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नई दिल्ली, जनवरी 22—जनवरी 28, 2006, शनिवार/माघ 2—माघ 8, 1927

No. 4 |

NEW DELHI, JANUARY 22—JANUARY 28, 2006, SATURDAY/MAGHA 2—MAGHA 8, 1927

● इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह पृथक संकलन के रूप में रखा जा सके
Separate Paging is given to this Part in order that it may be filed as a separate compilation

भाग II—खण्ड 3—उप-खण्ड (ii)
PART II—Section 3—Sub-section (ii)

भारत सरकार के मंत्रालयों (रक्षा मंत्रालय को छोड़कर) द्वारा जारी किए गए सांविधिक आदेश और अधिसूचनाएं
Statutory Orders and Notifications Issued by the Ministries of the Government of India
(Other than the Ministry of Defence)

वित्त मंत्रालय

(राजस्व विभाग)

(केन्द्रीय उत्पाद शुल्क आयुक्त का कार्यालय,
हल्दिया आयुक्तालय)

कोलकाता, 6 जनवरी, 2006

सं. 01/2006-सी.शु. (एन.टी.)

का.आ. 284.—भारत सरकार, वित्त मंत्रालय, राजस्व विभाग, नई दिल्ली के सीमा शुल्क अधिनियम, 1962 की धारा 152 के खण्ड (ए) के अन्तर्गत जारी अधिसूचना सं. 33/1994 सी.शु. (एन.टी.) दिनांक 01 जुलाई, 1994 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, सीमा शुल्क अधिनियम, 1962 (1962 का 52) की धारा 9 के अधीन मैसर्स मित्तल टेक्नोपैक प्रा. लि., जालान इन्डस्ट्रीयल कमप्लेक्स, गेट नं. 3, लेन नं. 5, सन्खरीदहा, डोमजूर, हावड़ा-711 411 (पश्चिम बंगाल) को भारत सरकार द्वारा अनुमोदित 100% निर्यात ओरियन्टेड यूनिट की स्थापना के उद्देश्य से विकास एतद्वारा वेयर हाउसिंग स्टेशन घोषित किया जाता है।

[सी. सं. IV(16) I/सीई/टैक/हल्दिया/2004/401-02]

कमल ज्योति, आयुक्त

104 GI/2006

(723)

MINISTRY OF FINANCE

(Department of Revenue)

(OFFICE OF THE COMMISSIONER OF CENTRAL
EXCISE, HALDIA COMMISSIONERATE)

Kolkata, the 6th January, 2006.

No. 1/2006-CUSTOMS (N.T.)

S.O. 284.—In exercise of the powers conferred under Section 9 of the Customs Act, 1962 as delegated by Notification No. 33/1994-Customs (NT) dated 1st July, 1994 issued under Section 152 of the Customs Act, 1962 read with MFDR Circular No. 31/2003-Customs dated 7th April, 2003, the permises of M/s. Mittal Technopack Pvt. Ltd., at Jalan Industrial Complex, Gate No. 3, Lane No. 5, Sankharidaha, Domjur, Howrah-711 411 in the state of West Bengal are, hereby, declared to be a Warehousing Station under Section 9 of the Customs Act, 1962 for the purpose of setting up of a 100% Export Oriented Unit as approved by the Development Commissioner, Falta Special Economic Zone, Ministry of Commerce, Government of India.

[C. No. IV(16) I/CE/Tech./Haldia/2004/401-02]

KAMAL JYOTI, Commissioner

(मुख्य आयकर आयुक्त का कार्यालय)

उदयपुर, 12 जनवरी, 2006

सं. 10/31/12-01-2006

का. आ. 285.—आयकर अधिनियम, 1961 (1961 की 43) की धारा 10 के खण्ड (23ग) की उपधारा (vi) के साथ पठित आयकर नियमावली, 1962 के नियम 2गक के द्वारा प्रदत्त अधिकारों को प्रयोग करते हुए, मुख्य आयकर आयुक्त, उदयपुर “राष्ट्रीय शिक्षा समिति, उदयपुर” को उक्त धारा के प्रयोजन हेतु निर्धारण वर्ष 2002-2003 से 2004-2005 के लिए अनुमोदन करते हैं :

परन्तु यह तब जब कि सोसायटी आयकर अधिनियम, 1961 की धारा 10 के खण्ड (23ग) की उपधारा (vi) के साथ पठित आयकर नियमावली, 1962 के नियम 2गक के प्रावधानों की पुष्टि एवं अनुपालना करती है।

[सं. मु.आ.आ./उदय/आ.अ. (प्रशा.)/2005-06/2438]

पी. के. मिश्र, मुख्य आयकर आयुक्त

(OFFICE OF THE CHIEF COMMISSIONER OF INCOME TAX)

Udaipur, the 12th January, 2006

No. 10/31/12-01-2006

S.O. 285.—In exercise of the powers conferred by Sub-section (vi) of Clause (23C) of Section 10 of the Income-tax Act, 1961 (43 of 1961) read with rule 2CA of the Income-tax Rules, 1962, the Chief Commissioner of Income-tax, Udaipur hereby approves “Rashtriya Shiksha Samiti Udaipur” for the purpose of said section for the assessment years 2002-2003 to 2004-2005 :

Provided that the society conforms to and complies with the provisions of Sub-section (vi) of Clause (23C) of Section 10 of the Income-tax Act, 1961, read with rule 2CA of the Income-tax Rules, 1962.

[No. CCIT/UDR/ITO/(A)/2005-06/2438]

P. K. MISRA, Chief Commissioner of Income-tax

उदयपुर, 16 जनवरी, 2006

सं. 11/32/16-01-2006

का. आ. 286.—आयकर अधिनियम, 1961 (1961 की 43) की धारा 10 के खण्ड (23ग) की उपधारा (vi) के साथ पठित आयकर नियमावली, 1962 के नियम 2गक के द्वारा प्रदत्त अधिकारों का प्रयोग करते हुए, मुख्य आयकर आयुक्त, उदयपुर “राष्ट्रीय शिक्षा समिति, उदयपुर” को उक्त धारा के प्रयोजन हेतु निर्धारण वर्ष 2005-06 के लिए अनुमोदन करते हैं :

परन्तु यह तब जब कि सोसायटी आयकर अधिनियम, 1961 की धारा 10 के खण्ड (23ग) की उपधारा (vi) के साथ पठित आयकर नियमावली, 1962 के नियम 2गक के प्रावधानों की पुष्टि एवं अनुपालना करती है।

[सं. मु.आ.आ./उदय/आ.अ. (प्रशा.)/2005-06/2439]

पी. के. मिश्र, मुख्य आयकर आयुक्त

Udaipur, the 16th January, 2006

No. 11/32/16-01-2006

S.O. 286.—In exercise of the powers conferred by Sub-section (vi) of Clause (23C) of Section 10 of the Income-tax Act, 1961 (43 of 1961) read with rule 2CA of the

Income-tax Rules, 1962, the Chief Commissioner of Income-tax, Udaipur hereby approves “Rashtriya Shiksha Samiti Udaipur” for the purpose of said section for the assessment year 2005-2006 :

Provided that the society conforms to and complies with the provisions of Sub-section (vi) of Clause (23C) of Section 10 of the Income-tax Act, 1961, read with rule 2CA of the Income-tax Rules, 1962.

[No. CCIT/UDR/ITO/(A)/2005-06/2439]

P. K. MISRA, Chief Commissioner of Income-tax

(केन्द्रीय उत्पाद शुल्क आयुक्तालय, जयपुर-प्रथम)

जयपुर, 19 जनवरी, 2006

सं. 02-सीमा शुल्क (एन.टी.) 2006

का. आ. 287.—सीमा शुल्क अधिनियम, 1962 की धारा 152 के खण्ड (ए) के तहत भारत सरकार, वित्त मंत्रालय, राजस्व विभाग, नई दिल्ली की अधिसूचना संख्या 33/94 सीमा शुल्क (एन टी) दिनांक प्रथम जुलाई, 1994 के अन्तर्गत प्रदत्त शक्तियों का प्रयोग करते हुए, मैं, जयन्त मिश्र, आयुक्त, केन्द्रीय उत्पाद शुल्क, जयपुर-प्रथम एतद्वारा, शतप्रतिशत ई.ओ.यू. स्थापित करने के उद्देश्य से सीमा शुल्क अधिनियम की धारा 9 के अन्तर्गत राजस्थान राज्य के करौली जिले के हिण्डौन शहर को भण्डारण स्टेशन (वेयर हाउसिंग स्टेशन) घोषित करता हूँ।

[फा. सं. पंचम (16)ईओयू/34/2005]

जयन्त मिश्र, आयुक्त

(OFFICE OF THE COMMISSIONER CENTRAL EXCISE, JAIPUR-I)

Jaipur, the 19th January, 2006

No. 02-CUS(NT) 2006

S.O. 287.—In exercise of the powers conferred by Notification No. 33/94-Customs (NT), dated the 1st July, 1994, by the Government of India, Ministry of Finance, Department of Revenue, New Delhi, issued under clause (a) of Section 152 of Customs Act, 1962. I, Jayant Misra, Commissioner of Central Excise, Jaipur-I, hereby declare Hindaun City, District Karauli, in the State of Rajasthan to be Warehousing station under Section 9 of the Customs Act, 1962 for the purpose of setting up 100% E.O.U.

[F.No. V(16)EOU/34/2005]

JAYANT MISRA, Commissioner

(आर्थिक कार्य विभाग)

(बैंकिंग प्रभाग)

नई दिल्ली, 16 जनवरी, 2006

का. आ. 288.—भारतीय स्टेट बैंक (अनुगंगी बैंक) अधिनियम, 1959 (1959 का 38) की धारा 26 की उपधारा (2क) के साथ पठित धारा 25 की उपधारा (1) के खंड (गक) के अनुसरण में, केन्द्रीय सरकार, एतद्वारा श्री सी.टी. कोशी, लिपिक, स्टेट बैंक ऑफ त्रावणकोर, कोयागार शाखा, तिरुवनन्तपुरम को अधिसूचना की तारीख से तीन वर्ष

की अवधि तक अथवा उनके उत्तराधिकारी की नियुक्ति होने तक अथवा स्टेट बैंक ऑफ त्रावणकोर के कर्मकार कर्मचारी के रूप में उनकी सेवाएं समाप्त होने तक, इनमें से जो भी पहले हो, स्टेट बैंक ऑफ त्रावणकोर के निदेशक बोर्ड में निदेशक के रूप में नियुक्त करती है।

[फा. सं. 15/1/2005-आईआर]

रमेश चन्द, अवर सचिव

(Department of Economic Affairs)

(Banking Division)

New Delhi, the 16th January, 2006

S.O. 288.—In pursuance of clause (ca) of Sub-Section (1) of Section 25 read with Sub-section (2A) of Section 26 of the State Bank of India (Subsidiary Banks) Act, 1959, (38 of 1959) the Central Government hereby appoints Shri C. T. Koshy, Clerk, State Bank of Travancore, Treasury Branch, Thiruvananthapuram as Workmen Employee Director on the Board of Directors of State Bank of Travancore for a period of three years with effect from the date of notification or until his successor is appointed or till he ceases to be a workmen employee of State Bank of Travancore, whichever is earlier.

[F. No. 15/1/2005-IR]

RAMESH CHAND, Under Secy.

नई दिल्ली, 17 जनवरी, 2006

का. आ. 289.—बैंककारी विनियमन अधिनियम, 1949 (1949 का 10) की धारा 53 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, एतद्वारा भारतीय रिजर्व बैंक की सिफारिश पर यह घोषणा करती है कि उपर्युक्त अधिनियम की धारा 10 की उपधारा (1) के खंड (ग) के उपखंड (1) के प्रावधान, सेंट्रल बैंक ऑफ इंडिया पर लागू नहीं होंगे, जहां तक उनका संबंध सुश्री एच.ए. दारुवाला, अध्यक्ष एवं प्रबंध निदेशक, सेंट्रल बैंक ऑफ इंडिया, के कृषि वित्त निगम लिमिटेड के बोर्ड में निदेशक के रूप में नामित किए जाने से है।

[फा. सं. 9/39/2005-बीओ-1]

जी. बी. सिंह, अवर सचिव

New Delhi, the 17th January, 2006

S.O. 289.—In exercise of the powers conferred by Section 53 of the Banking Regulation Act, 1949 (10 of 1949), the Government of India on the recommendation of the Reserve Bank of India, hereby declare that the provisions of sub-clause (i) of clause (c) of sub-section (1) of Section 10 of the said Act, shall not apply to Central Bank of India in so far as it relates to the nomination of Ms. H.A. Daruwalla, Chairperson & Managing Director, Central Bank of India as Director on the Board of Agricultural Finance Corporation Limited (AFC).

[F. No. 9/39/2005-BO-I]

G. B. SINGH, Under Secy.

विदेश मंत्रालय

(सी. पी. वी. प्रभाग)

नई दिल्ली, 22 दिसम्बर, 2005

का. आ. 290.—राजनयिक कौंसली अधिकारी (शपथ एवं शुल्क) अधिनियम, 1948 (1948 का 41वां) की धारा 2 के अंक (क) के अनुसार में केन्द्रीय सरकार, एतद्वारा, भारत का प्रधान कौंसलवास,

जांजीबार में श्री सुबोध बिश्वास, सहायक को 22-12-2005 से सहायक कौंसली अधिकारी का कार्य करने हेतु प्राधिकृत करती है।

[सं. टी-4330/01/2005]

एम. सी. नैथानी, संयुक्त सचिव (सीपीवी-II)

MINISTRY OF EXTERNAL AFFAIRS

(C.P.V. Division)

New Delhi, the 22nd December, 2005

S.O. 290.—In pursuance of the clause (a) of the Section 2 of the Diplomatic and Consular Officers (Oaths and Fees) Act, 1948 (41 of 1948), the Central Government hereby authorise Shri Subodh Biswas, Assistant in the Consulate General of India, Zanzibar to perform the duties of Assistant Consular Officer with effect from 22-12-2005.

[No.T-4330/01/2005]

M. C. NAITHANI, Jt. Secy. (CPV-II)

नई दिल्ली, 22 दिसम्बर, 2005

का. आ. 291.—राजनयिक कौंसली अधिकारी (शपथ एवं शुल्क) अधिनियम, 1948 (1948 का 41वां) की धारा 2 के अंक (क) के अनुसार में केन्द्रीय सरकार, एतद्वारा, भारत का राजदूतावास, ब्रुसेल्स में श्री देबाशीष नन्दी, सहायक को 22-12-2005 से सहायक कौंसली अधिकारी का कार्य करने हेतु प्राधिकृत करती है।

[सं. टी-4330/01/2005]

एम. सी. नैथानी, संयुक्त सचिव (सी पी वी-II)

New Delhi, the 22nd December, 2005

S.O. 291.—In pursuance of the clause (a) of the Section 2 of the Diplomatic and Consular Officers (Oaths and Fees) Act, 1948 (41 of 1948), the Central Government hereby authorise Shri Debashish Nandi, Assistant in the Embassy of India, Brussels to perform the duties of Assistant Consular Officer with effect from 22-12-2005.

[No.T-4330/01/2005]

M. C. NAITHANI, Jt. Secy. (CPV-II)

नई दिल्ली, 22 दिसम्बर, 2005

का. आ. 292.—राजनयिक कौंसली अधिकारी (शपथ एवं शुल्क) अधिनियम, 1948 (1948 का 41वां) की धारा 2 के अंक (क) के अनुसार में केन्द्रीय सरकार, एतद्वारा, भारत का प्रधान कौंसलवास, मैदान में श्री जॉर्ज, सहायक को 22-12-2005 से सहायक कौंसली अधिकारी का कार्य करने हेतु प्राधिकृत करती है।

[सं. टी-4330/01/2005]

एम. सी. नैथानी, संयुक्त सचिव (सीपीवी-II)

New Delhi, the 22nd December, 2005

S.O. 292.—In pursuance of the clause (a) of the Section 2 of the Diplomatic and Consular Officers (Oaths and Fees) Act, 1948 (41 of 1948), the Central Government hereby authorise Shri George, Assistant in the Consulate General of India, Medan to perform the duties of Assistant Consular Officer with effect from 22-12-2005.

[No.T-4330/01/2005]

M. C. NAITHANI, Jt. Secy. (CPV-II)

नई दिल्ली, 22 दिसम्बर, 2005

का. आ. 293.—राजनयिक कौंसली अधिकारी (शपथ एवं शुल्क) अधिनियम, 1948 (1948 का 41वां) की धारा 2 के अंक (क)

के अनुसरण में केन्द्रीय सरकार एतद्वारा भारत का राजदूतावास, यरेवान में श्री हरविन्दर सिंह, सहायक को 22-12-2005 से सहायक कौंसली अधिकारी का कार्य करने हेतु प्राधिकृत करती है।

[सं. टी-4330/01/2005]

एम. सी. नैथानी, संयुक्त सचिव (सी.पी.वी.-2)

New Delhi, the 22nd December, 2005

S.O. 293.—In pursuance of clause (a) of Section 2 of the Diplomatic and Consular Officers (Oaths and Fees) Act, 1948 (41 of 1948), the Central Government hereby authorise Shri Harvinder Singh, Assistant in the Embassy of India, Yerevan to perform the duties of Assistant Consular Officer with effect from 22-12-2005.

[No. T-4330/01/2005]

M. C. NAITHANI, Jr. Secy. (CPV-II)

नागर विमानन मंत्रालय

नई दिल्ली, 13 जनवरी, 2006

का.आ. 294.—भारतीय विमानपत्तन प्राधिकरण अधिनियम, 1994 (1994 का 55) के खंड 3 में निहित शक्तियों का प्रयोग करते हुए केन्द्र सरकार एतद्वारा श्री एच. एस. बैंस, कार्यकारी निदेशक (कार्मिक और प्रशासन) को उनके द्वारा पदभार संभालने की तारीख से पांच वर्षों की अवधि के लिए अथवा उनके अधिवर्षिता की आयु प्राप्त करने तक अथवा अगले आदेशों तक जो भी पहले हो, 25750-650-30950 रु. के वेतनमान में, भारतीय विमानपत्तन प्राधिकरण में सदस्य (कार्मिक और प्रशासन) के पद पर नियुक्त करती है।

[सं. एबी-24011/04/2005-एएआई]

एस. के. आर्य, अवर सचिव

MINISTRY OF CIVIL AVIATION

New Delhi, the 13th January, 2006

S.O. 294.—In exercise of the powers conferred by Section 3 of the Airports Authority of India Act, 1994 (No. 55 of 1994) the Central Government hereby appoints Shri H.S. Bains, Executive Director (Personnel & Administration) to the post of Member (Personnel & Administration), Airports, Authority of India (AAI), in the scale of pay of Rs. 25750-650-30950 for a period of five years from the date of taking over charge of the post or till the date of his superannuation, or until further orders, whichever is the earliest.

[No. AV-24011/4/2005-AAI]

S. K. ARYA, Under Secy.

विद्युत मंत्रालय

नई दिल्ली, 18 जनवरी, 2006

का.आ. 295.—भारतीय बिजली नियमावली, 1956 के नियम 4 (क) के साथ पठित बिजली अधिनियम, 2003 (2003 का 36) के खंड 162 में प्रदत्त शक्तियों का प्रयोग करते हुए यथोचित सरकार, दिल्ली मेट्रो रेल कारपोरेशन (डीएमआरसी) के निम्नलिखित अधिकारियों को एतद्वारा इस अधिसूचना के जारी होने की तारीख से तीन वर्ष की अवधि के लिए बिजली निरीक्षक एवं सहायक बिजली निरीक्षक के रूप में नियुक्त करती है :—

क्र. सं.	नाम और पद	नियुक्ति
1	2	3
1.	श्री शरत शर्मा, मुख्य बिजली इंजीनियर	बिजली निरीक्षक

1	2	3
2.	श्री ए. के. गर्ग, मुख्य बिजली इंजीनियर	बिजली निरीक्षक
3.	श्री सुशील कुमार, उप-मुख्य बिजली इंजीनियर	सहायक बिजली निरीक्षक
4.	श्री वी. एम. तिवारी, उप-मुख्य बिजली इंजीनियर	सहायक बिजली निरीक्षक
5.	श्री रूपेश कुमार, उप-मुख्य बिजली इंजीनियर	सहायक बिजली निरीक्षक

उपर्युक्त उल्लिखित अधिकारी प्रदत्त शक्तियों का प्रयोग करेंगे और बिजली संबंधी कार्यों, बिजली संस्थापनाओं और डीएमआरसी द्वारा अधिग्रहीत किए गए क्षेत्रों के अंदर प्रचालित बिजली रोलिंग स्टॉक अथवा डीएमआरसी से संबंधित/डीएमआरसी के नियंत्रण के अधीन सभी बिजली संस्थापनाओं एवं कार्यों के संबंध में अपने-अपने कार्यों का निर्वहन करेंगे। बहरहाल, डीएमआरसी यह सुनिश्चित करेगा कि वे मुख्य बिजली इंजीनियर या उप-मुख्य बिजली इंजीनियर के रूप में उन्हें सौंपे गए कार्यों के संबंध में बिजली निरीक्षक/सहायक बिजली निरीक्षक नहीं होंगे।

[सं. 42/4/2001-आर एंड आर]

आलोक कुमार, निदेशक

MINISTRY OF POWER

New Delhi, the 18th January, 2006

S.O. 295.—In exercise of the powers conferred by Section 162 of the Electricity Act, 2003 (36 of 2003) read with rule 4(A) of the Indian Electricity Rules, 1956 the appropriate Government hereby appoints the following officers of the Delhi Metro Rail Corporation Ltd. (DMRC) to be the Electrical Inspectors and Assistant Electrical Inspectors for a period of three years from the date of issue of this notification :

S. No.	Name & Designation	Appointed as
1.	Sh. Sharat Sharma, Chief Electrical Engineer	Electrical Inspector
2.	Sh. A. K. Garg, Chief Electrical Engineer	Electrical Inspector
3.	Sh. Sushil Kumar, Dy. Chief Electrical Engineer	Asstt. Electrical Inspector
4.	Sh. V. M. Tiwari, Dy. Chief Electrical Engineer	Asstt. Electrical Inspector
5.	Sh. Rupesh Kumar, Dy. Chief Electrical Engineer	Asstt. Electrical Inspector

The above mentioned officers shall exercise the powers and perform their respective functions in respect of electrical works, electrical installations and electrical rolling stock in operation within the areas occupied by the DMRC or in respect of works and all electrical installations under the control of DMRC/belongings to DMRC. However, DMRC will ensure that they will not be Electrical Inspectors/Assistant Electrical Inspectors in respect of

the work assigned to them as Chief Electrical Engineer or Dy. Chief Electrical Engineer.

[No.42/4/2001-R & R]
ALOK KUMAR, Director

वस्त्र मंत्रालय

नई दिल्ली, 13 जनवरी, 2006

का. आ. 296.—केन्द्रीय सरकार, (संघ के शासकीय प्रयोजनों के प्रयोग के लिए) राजभाषा नियम, 1976 के नियम 10 के उपनियम 4 के अनुसरण में, वस्त्र मंत्रालय के अंतर्गत आने वाले निम्नलिखित कार्यालयों को जिनमें 80% से अधिक कर्मचारियों ने हिन्दी का कार्यसाधक ज्ञान प्राप्त कर लिया है, अधिसूचित करती है :

1. आंचलिक रेशमकीट बीज संगठन,
राष्ट्रीय रेशमकीट बीज संगठन, केरेबो,
माजरा-248171, देहरादून (उत्तरांचल)
2. पी 3 मूल बीज फार्म,
राष्ट्रीय रेशमकीट बीज संगठन, केरेबो,
माजरा-248171, देहरादून (उत्तरांचल)
3. अनुसंधान विस्तार केन्द्र, उप-इकाई
केरेबोप्रसं., केन्द्रीय रेशम बोर्ड,
पोस्ट-नवग्राम-742184
मुर्शिदाबाद (पश्चिम बंगाल)
4. क्षेत्रीय कार्यालय, एन. एच. डी. सी. लि.
चेनेथा भवन, चतुर्थ तल, नामपल्ली,
हैदराबाद-500001 (आंध्र प्रदेश)

[सं. ई-11016/1/2005-हिन्दी]

बी. पी. सिंह, संयुक्त सचिव

MINISTRY OF TEXTILES

New Delhi, the 13th January, 2006

S.O. 296.—In pursuance of Sub-Rule 4 of rule 10 of the Official Language (Use for official purposes of the Union) Rules, 1976 the Central Government hereby notifies the following offices under the Ministry of Textiles, whereof more than 80% staff have acquired working knowledge of Hindi :

1. Zonal Silkworm Seed Organisation,
National Silkworm Seed Organisation,
C S B,
Mazra-248171, Dehradun (Uttaranchal)
2. P 3 Basic Seed Farm,
National Silkworm Seed Organisation,
C S B,
Mazra-248171, Dehradun, (Uttaranchal)
3. Research Extension Centre, Sub-unit,
CSRTI,
Central Silk Board,
Post-Navgram-742184,
Murshidabad (West Bengal)
4. Regional Office, NHDC Ltd.
Chenetha Building, 4th Floor,
Nampalli,
Hyderabad-500001 (A.P.)

[No. E-11016/1/2005-Hindi]

BASANT PRATAP SINGH, Jt. Secy.

संचार एवं सूचना प्रौद्योगिकी मंत्रालय

(डाक विभाग)

(डाक जीवन बीमा निदेशालय)

नई दिल्ली, 18 जनवरी, 2006

का. आ. 297.—डाकघर बीमा निधि नियमावली के नियम 10 के तहत प्रदत्त शक्तियों का प्रयोग करते हुए और 31-3-2002 की स्थिति के अनुसार ग्रामीण डाकघर जीवन बीमा निधि की परिसम्पत्तियों और देयताओं के बीमांकक मूल्यांकन के आधार पर महानिदेशक (डाक) सहर्ष ग्रामीण डाकघर जीवन बीमा पालिसियों के मृत्यु अथवा परिपक्वता के कारण दावा बनने पर, उनके लिए 31-3-2002 को समाप्त वर्ष के लिए प्रत्यावर्तनीय बोनस घोषित करते हैं :—

क्र. सं.	बीमा पालिसी का प्रकार	बोनस की दर
1.	आजीवन बीमा	बीमित राशि के प्रति हजार पर 60 रु.
2.	बन्दोबस्ती बीमा और प्रत्याशित बन्दोबस्ती बीमा	बीमित राशि के प्रति हजार पर 50 रु.

2. भावी मूल्यांकन के पूरा होने तक परिपक्वता और मृत्यु के कारण उत्पन्न सभी दावों के लिए भी उपर्युक्त दर पर अंतरिम बोनस देय होगा।

3. बोनस की राशि को 50 पैसे अथवा अधिक के भाग के लिए अगले उच्चतर रुपये में पूर्ण किया जाएगा और 50 पैसे से कम के भाग को हिसाब में नहीं लिया जाएगा।

[सं. 5-2/2002-एलआई]

वी. पती, अपर महा प्रबंधक

MINISTRY OF COMMUNICATIONS AND INFORMATION TECHNOLOGY

(Department of Posts)

(DIRECTORATE OF POSTAL LIFE INSURANCE)

New Delhi, the 18th January, 2006

S.O. 297.—In exercise of the powers conferred vide Rule 10 of Post Office Insurance Fund Rules and on the basis of Actuarial Valuation of the assets and liabilities of Rural Post Office Life Insurance Fund as on 31-03-2002, the Director General (Posts), is pleased to declare a simple Reversionary Bonus on the Rural Postal Life Insurance Policies on their becoming claims, due to death or maturity at the following rates for the year ending 31-03-2002 :—

S. No.	Type of Insurance Policy	Rate of Bonus
1.	Whole Life Assurance	Rs. 60 per thousand of Sum Assured
2.	Endowment Assurance & Anticipated Endowment Assurance	Rs. 50 per thousand of Sum Assured

2. Interim Bonus at the rate mentioned above will also be payable for all claims arising due to maturity and death until future valuation is completed.

3. The amount of bonus involving a fraction of 50 paise or more shall be rounded off to the next higher rupee and fraction below 50 paise shall be ignored.

[No. 5-2/2002-LI]

V. PATI, Addl. General Manager

उपभोक्ता मामले, खाद्य और सार्वजनिक वितरण मंत्रालय

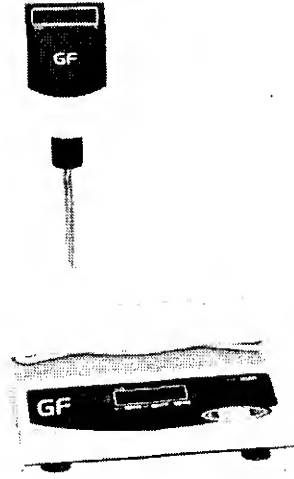
(उपभोक्ता मामले विभाग)

नई दिल्ली, 28 दिसम्बर, 2005

का.आ. 298.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स जी एफ इलैक्ट्रॉनिक्स, डब्ल्यू जेड-111 ए, स्ट्रीट नं. 12, कृष्णा पार्क, पो. ओ. तिलक नगर, नई दिल्ली-110018 द्वारा निर्मित उच्च यथार्थता (यथार्थता वर्ग-II) वाले "जी एफ टी" शृंखला के अंकक सूचन सहित, अस्वचालित तोलन उपकरण (टेबल टोप प्रकार) के मॉडल का, जिसके ब्रांड का नाम "जी एफ" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/05/692 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है।

उक्त मॉडल (नीचे दी गई आकृति देखें) एक विकृति गेज प्रकार का लोड सेल आधारित तोलन उपकरण (टेबल टोप प्रकार का) है। इसकी अधिकतम क्षमता 30 कि.ग्रा. और न्यूनतम क्षमता 100 ग्रा. है। सत्यापन मापमान अंतराल (ई) का मान 2 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट, 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।



स्टाम्पिंग प्लेट को मुद्रांकन करने के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोलने से रोकने के लिए सीलबंद भी किया जाएगा।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धान्त, डिजाइन के अनुसार और उसी सामग्री से जिससे अनुमोदित मॉडल का निर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 1 मि. ग्रा. से 50 मि. ग्रा. तक "ई" मान के लिए 100 से 50,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) और 100 मि. ग्रा. या उससे अधिक के "ई" मान के लिए 5,000 से 50,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) सहित 50 कि.ग्रा. की अधिकतम क्षमता वाले हैं और "ई" मान 1×10^{-6} , 2×10^{-6} या 5×10^{-6} , के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम-21(32)/2005]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

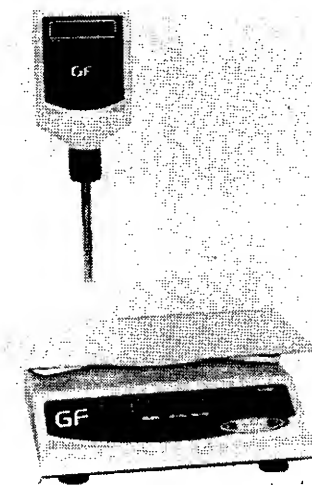
MINISTRY OF CONSUMER AFFAIRS, FOOD AND PUBLIC DISTRIBUTION**(Department of Consumer Affairs)**

New Delhi, the 28th December, 2005

S.O. 298.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic weighing instrument (Table top type) with digital indication of series GFT of high accuracy (Accuracy class-II) and with brand name “GF” manufactured by M/s. GF Electronics, WZ-111A, Street No 12, Krishna Park, P.O. Tilak Nagar, New Delhi-110018 and which is assigned the approval mark IND/09/05/692;

The said model (see the figure given below) is a strain guage type load cell based non-automatic weighing instrument (Table top type) with a maximum capacity of 30 kg and minimum capacity of 100g. The verification scale interval (e) is 2g. It has a tare device with a 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) indicates the weighing result. The instrument operates on 230 Volts and 50 Hertz alternative current power supply;



In addition to sealing the stamping plate sealing shall also be done to prevent the opening of the machine for fraudulent practices.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instrument of similar make and performance of same series with maximum capacity upto 50 kg and with number of verification scale interval (n) in the range of 100 to 5000 for 'e' value of 1 mg to 50 mg and with number of verification scale interval (n) in the range of 5,000 to 50,000 for 'e' value of 100 mg. or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , k being the positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

[F. No. WM-21(32)/2005]

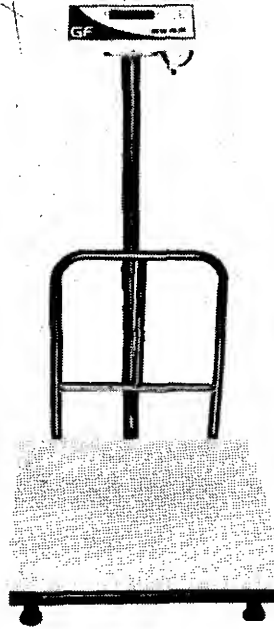
P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 28 दिसम्बर, 2005

का.आ. 299.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप हैं और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स जी एफ इलैक्ट्रॉनिक्स, डब्ल्यू जेड-111 ए, स्ट्रीट नं. 12, कृष्णा पार्क, पो. ओ. तिलक नगर, नई दिल्ली-110018 द्वारा निर्मित मध्यम यथार्थता (यथार्थता वर्ग-III) वाले “जी एफ पी” शृंखला के अंकक सूचन सहित, स्वतः सूचक अस्वचालित तोलन उपकरण (प्लेटफार्म प्रकार) के मॉडल का, जिसके ब्रांड का नाम “जी एफ” है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/05/693 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है।

उक्त मॉडल (नीचे दी गई आकृति देखें) एक विकृति गेज प्रकार का लोड सेल आधारित तोलन उपकरण (प्लेटफार्म प्रकार का) है। इसकी अधिकतम क्षमता 1,000 कि.ग्रा. और न्यूनतम क्षमता 2 कि.ग्रा. है। सत्यापन मापमान अन्तराल (ई) का मान 100 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट, 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।



स्टाम्पिंग प्लेट को मुद्रांकित करने के अतिरिक्त कपटपूर्ण व्यवहारों के लिए मशीन को खोलने से रोकने के लिए सीलबंद भी किया जाएगा।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धान्त, डिजाइन के अनुसार और उसी सामग्री से जिससे अनुमोदित मॉडल विनिर्मित किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 5 ग्रा. या उससे अधिक के “ई” मान के लिए 500 से 10,000 तक की रेंज में सत्यापन मान अंतराल (एन) सहित 50 कि.ग्रा. से अधिक और 5000 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और “ई” मान 1×10^3 , 2×10^3 या 5×10^3 के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम-21(32)/2005]

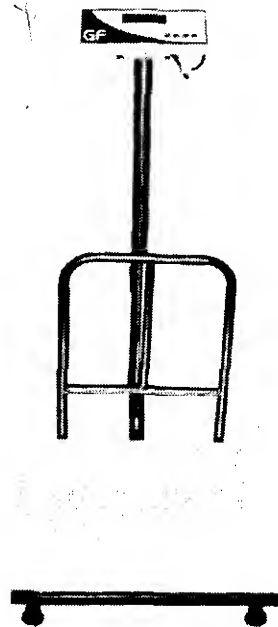
पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 28th December, 2005

S.O. 299.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of the self indicating non-automatic (Platform type) weighing instrument with digital indication of series GFP of medium accuracy (Accuracy class-III) and with brand name "GF" manufactured by M/s. GF Electronics, WZ-111A, Street No. 12, Krishna Park, P.O. Tilak Nagar, New Delhi-110018 and which is assigned the approval mark IND/09/05/693;

The said model (see the figure given below) is a strain guage type load cell based weighing instrument with a maximum capacity of 1000 kg and minimum capacity of 2 kg. The verification scale interval (e) is 100g. It has a tare device with 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) display indicates the weighing result. The instrument operates on 230 Volts and 50 Hertz alternate current power supply;



In addition to sealing the stamping plate, sealing shall also be done to prevent opening of the machine for fraudulent practices.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instrument of same series with maximum capacity above 50 kg and up to 5000 kg and with number of verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5g, or more and with 'e' value 1×10^k , 2×10^k or 5×10^k , k being the positive or negative whole number or equal to zero, manufactured by the same manufacturer with the same principle, design and with the same materials with which, the said approved model has been manufactured.

[F. No. WM-21(32)/2005]

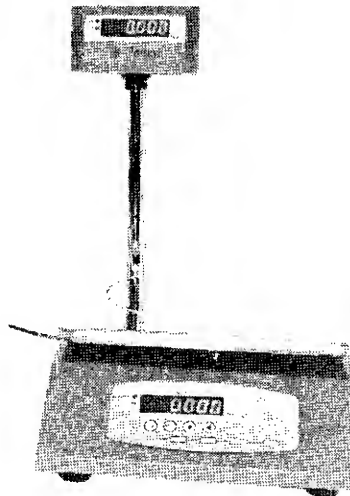
P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 28 दिसम्बर, 2005

का.आ. 300.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स श्री साई गणेश सिस्टम्स # 12-6-2/204, विवेक नगर, कुकटपल्ली, हैदराबाद-500 072 द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग-III) वाले “पी टी” श्रृंखला के अंकक सूचन सहित, अस्वचालित तोलन उपकरण (टेबल टोप प्रकार) के मॉडल का, जिसके ब्रांड का नाम “पृथ्वी” है (जिसे उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/05/1039 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है।

उक्त मॉडल एक विकृति गेज प्रकार का लोड सैल आधारित अस्वचालित (टेबल टोप प्रकार) तोलन उपकरण है। इसकी अधिकतम क्षमता 30 कि.ग्रा. और न्यूनतम क्षमता 100 ग्रा. है। सत्यापन मापमान अंतराल (ई) का मान 2 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट, 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।



स्टाम्पिंग प्लेट के मुद्रांकन के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोलने से रोकने के लिए सीलबंद भी किया जाएगा।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धान्त, डिजाइन के अनुसार और उसी सामग्री से, जिससे अनुमोदित मॉडल का निर्माण किया गया है, विनिर्मित उसी श्रृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 1 मि.ग्रा. से 50 मि.ग्रा. तक “ई” मान के लिए 100 से 5,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) और 100 मि. ग्रा. या उससे अधिक के “ई” मान के लिए 5,000 से 50,000 तक की रेंज में सत्यापन मान (एन) अंतराल सहित 50 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और “ई” मान 1×10^{-6} , 2×10^{-6} या 5×10^{-6} के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम-21(215)/2005]

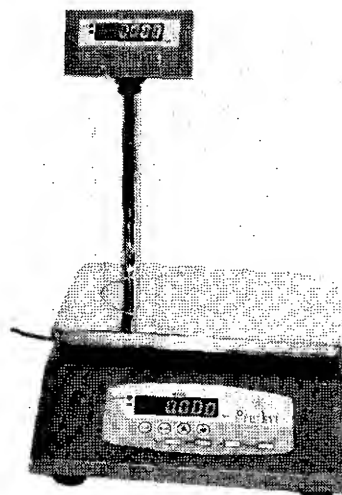
पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 28th December, 2005

S.O. 300.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic weighing instrument (Table top type) with digital indication of "PT" series of high accuracy (Accuracy class-II) and with brand name "PRUTHVI" (hereinafter referred to as the said Model), manufactured by M/s Sri Sai Ganesh Systems, # 12-6-2/204, Vivek Nagar, Kukatpally, Hyderabad-500 072 and which is assigned the approval mark IND/09/05/1039;

The said model (see the figure given below) is a strain gauge type load cell based non-automatic weighing instrument (Table top type) with a maximum capacity of 30 kg and minimum capacity of 100 g. The verification scale interval (e) is 2g. It has a tare device with a 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) indicates the weighing result. The instrument operates on 230 Volts, 50 Hertz alternate current power supply;



In addition to scaling the stamping plate, sealing shall also be done to prevent the opening of the machine for fraudulent practices.

Further, in exercise of the powers conferred by Sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instrument of similar make, accuracy and performance of same series with maximum capacity up to 50 kg and with number of verification scale interval (n) in the range of 100 to 5000 for 'e' value of 1mg to 50mg and with number of verification scale interval (n) in the range of 5000 to 50,000 for 'e' value of 100mg. or more and with 'e' value of 1×10^k , 2×10^k , or 5×10^k , k being the positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

[F. No. WM-21(215)/2005]

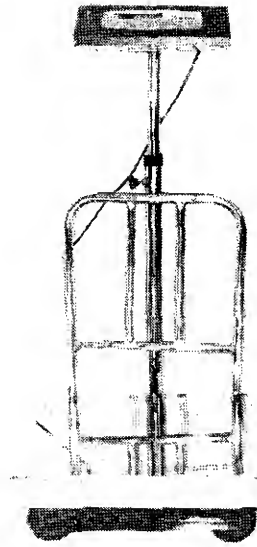
P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 28 दिसम्बर, 2005

का.आ. 301.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स श्री साई गणेश सिस्टम्स # 12-6-2/204, विवेक नगर, कुकटपल्ली, हैदराबाद-500 072 द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग-III) वाले “पी पी” शृंखला के अंकक सूचन सहित, अस्वचालित तोलन उपकरण (प्लेटफार्म प्रकार) के मॉडल का, जिसके ब्रांड का नाम “पृथ्वी” है (जिसे उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/05/1040 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है।

उक्त मॉडल एक विकृत गेज प्रकार का लोड सैल आधारित अस्वचालित (प्लेटफार्म प्रकार) तोलन उपकरण है। इसकी अधिकतम क्षमता 1000 कि.ग्रा. और न्यूनतम क्षमता 4 कि.ग्रा. है। सत्यापन मापमान अन्तराल (ई) का मान 100 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।



स्टाम्पिंग प्लेट के मुद्रांकन के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोलने से रोकने के लिए सीलबंद भी किया जाएगा।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धान्त, डिजाइन के अनुसार और उसी सामग्री से, जिससे अनुमोदित मॉडल का निर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 5 ग्रा. या उससे अधिक के “ई” मान के लिए 500 से 10,000 तक की रेंज में सत्यापन मापमान अन्तराल (एन) सहित 50 कि. ग्रा. से अधिक और 5000 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और “ई” मान 1×10^3 , 2×10^3 या 5×10^3 , के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम-21(215)/2005]

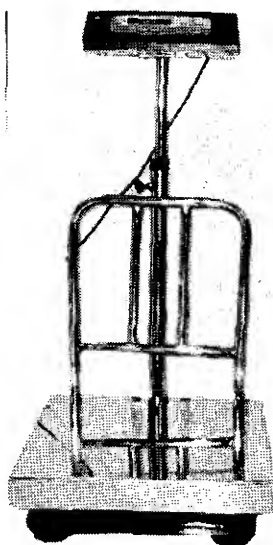
पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 28th December, 2005

S.O. 301.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (See the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of the self indicating non-automatic (Platform type) weighing instrument with digital indication of "PP" series of medium accuracy (Accuracy class-III) and with brand name "PRUTHVI" (hereinafter referred to as the said Model), manufactured by M/s Sri Sai Ganesh Systems, # 12-6-2/204, Vivek Nagar, Kukatpally, Hyderabad-500 072 and which is assigned the approval mark IND/09/05/1040;

The said model (see the figure given below) is a strain gauge type load cell based weighing instrument with a maximum capacity of 1000 kg. and minimum capacity of 4 kg. The verification scale interval (e) is 200g. It has a tare device with 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) display indicates the weighing result. The instrument operates on 230 Volts and 50 Hertz alternate current power supply;



In addition to sealing the stamping plate, sealing shall also be done to prevent the opening of the machine for fraudulent practices.

Further, in exercise of the powers conferred by Sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instrument of same series with maximum capacity above 50 kg. and up to 5000kg. and with number of verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5g or more and with 'e' value 1×10^k , 2×10^k or 5×10^k , k being the positive or negative whole number or equal to zero, manufactured by the same manufacturer with the same principle, design and with the same materials with which, the said approved model has been manufactured.

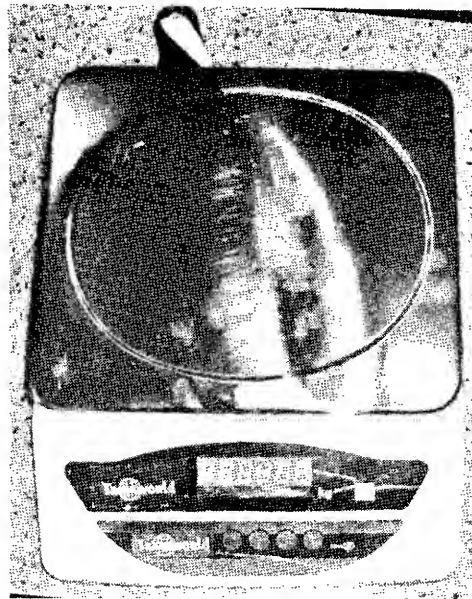
[F. No. WM-21(215)/2005]

P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 28 दिसम्बर, 2005

का.आ. 302.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप हैं और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स ट्रांसवर्ल्ड स्केल्स सर्विस, # xviii/680, बीच रोड, कोल्लाम-691001 केरल द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग-III) वाले “टी एस एस-टी बी” शृंखला के अंकक सूचन सहित, अस्वचालित, तोलन उपकरण (टेबल टोप प्रकार) के मॉडल का, जिसके ब्रांड का नाम “ट्रांसवर्ल्ड” है (जिसे उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/05/1064 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है।



उक्त मॉडल एक विकृति गैज प्रकार का लोड सेल आधारित अस्वचालित (टेबल टोप प्रकार) तोलन उपकरण है। इसकी अधिकतम क्षमता 30 कि.ग्रा. और न्यूनतम क्षमता 100 ग्रा. है। सत्यापन मापमान अंतराल (ई) का मान 5 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट, 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

स्टाम्पिंग प्लेट के मुद्रांकन के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोलने से रोकने के लिए सीलबंद भी किया जाएगा।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धान्त, डिजाइन के अनुसार और उसी सामग्री से जिससे अनुमोदित मॉडल का निर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 100 मि.ग्रा. से 2 ग्रा. तक “ई” मान के लिए 100 से 10,000 तक के रेंज में सत्यापन मापमान अंतराल (एन) और 5 ग्रा. या उससे अधिक के “ई” मान के लिए 500 से 10,000 तक की रेंज में सत्यापन मान सहित 50 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और “ई” मान 1×10^{-6} , 2×10^{-6} या 5×10^{-6} के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

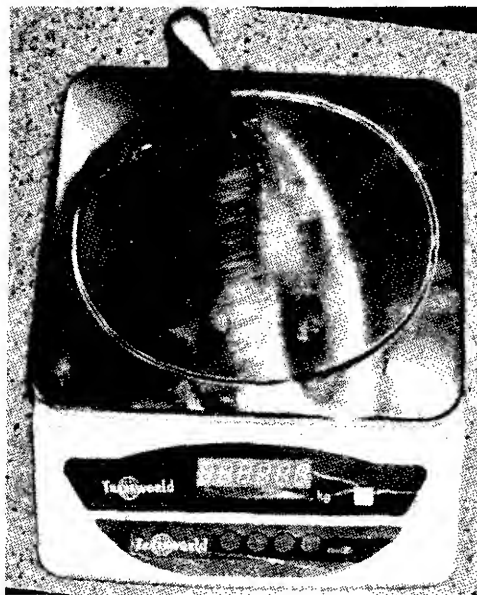
[फा. सं. डब्ल्यू एम-21(272)/2005]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 28th December, 2005

S.O. 302.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic (Table top type) weighing instrument with digital indication of "TSS-TB" series of medium accuracy (Accuracy class-III) and with brand name "TRANSWORLD" manufactured by M/s. Transworld Scales Services, # XVIII/680, Beach Road, Kollam-691001, Kerala and which is assigned the approval mark IND/09/05/1064;



The said model is a strain gauge type load cell based non-automatic weighing instrument (Table top type) with a maximum capacity of 30 kg. and minimum capacity of 100 g. The verification scale interval (e) is 5g. It has a tare device with 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) display indicates the weighing result. The instrument operates on 230 Volts and 50 Hertz alternative current power supply;

In addition to sealing the stamping plate, sealing shall also be done to prevent the opening of the machine for fraudulent practices.

Further, in exercise of the powers conferred by Sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity upto 50 kg. with verification scale interval (n) in the range of 100 to 10000 for 'e' value of 100 mg to 2 g or with verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5 g. or more and with 'e' value of 1×10^k , 2×10^k , or 5×10^k , k being the positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

[F. No. WM-21(272)/2005]

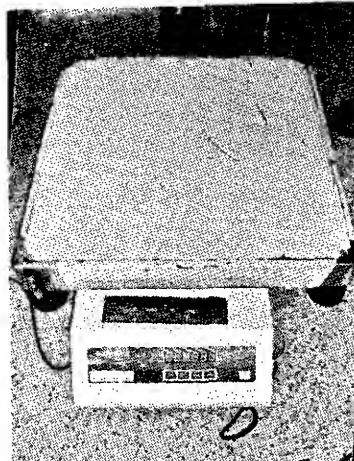
P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 28 दिसम्बर, 2005

का.आ. 303.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स ट्रांसवर्ल्ड स्केल्स सर्विस, # xviii/680, बीच रोड, कोल्लाम-691001 केरल द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग-III) वाले “टी एस एस-पी टी” श्रृंखला के स्वतः सूचक, अंकक सूचन सहित, अस्वचालित तोलन उपकरण (प्लेट फार्म प्रकार) के मॉडल का, जिसके ब्रांड का नाम “ट्रांसवर्ल्ड” है (जिसे उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/05/1065 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है।

उक्त मॉडल एक विकृति गैज प्रकार का लोड सैल आधारित अस्वचालित (प्लेट फार्म) तोलन उपकरण है। इसकी अधिकतम क्षमता 1000 कि.ग्रा. और न्यूनतम क्षमता 4 कि.ग्रा. है। सत्यापन मापमान अन्तराल (ई) का मान 200 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट, 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।



स्टाम्पिंग प्लेट के मुद्रांकन के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोलने से रोकने के लिए सीलबंद भी किया जाएगा।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धान्त, डिजाइन के अनुसार और उसी सामग्री से, जिससे अनुमोदित मॉडल का निर्माण किया गया है, विनिर्मित उसी श्रृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 5 ग्रा. या उससे अधिक के “ई” मान के लिए 500 से 10,000 तक की रेंज में सत्यापन मापमान अन्तराल (एन) सहित 50 कि. ग्रा. से अधिक और 5000 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और “ई” मान 1×10^3 , 2×10^3 या 5×10^3 के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य है।

[फा. सं. डब्ल्यू एम-21(272)/2005]

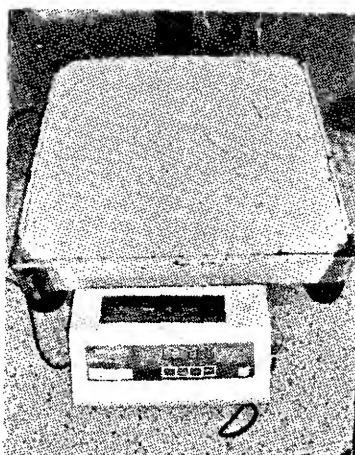
पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 28th December, 2005

S.O. 303.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (See the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by Sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of the self-indicating non-automatic (Platform type) weighing instrument with digital indication of "TSS-PT" series of medium accuracy (Accuracy class-III) and with brand name "TRANSWORLD" manufactured by M/s. Transworld Scales Services, # XVIII/680, Beach Road, Kollam-691001, Kerala and which is assigned the approval mark IND/09/05/1065;

The said model (See the figure given below) is a strain gauge type load cell based weighing instrument with a maximum capacity of 1000 kg. and minimum capacity of 4 kg. The verification scale interval (e) is 200 g. It has a tare device with 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) display indicates the weighing result. The instrument operates on 230 Volts and 50 Hertz alternate current power supply;



In addition to sealing the stamping plate, sealing shall also be done to prevent the opening of the machine for fraudulent practices.

Further, in exercise of the powers conferred by Sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of same series with maximum capacity above 50 kg. and upto 5000 kg and with number of verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5 g. or more and with 'e' value 1×10^k , 2×10^k , or 5×10^k , k being the positive or negative whole number or equal to zero, manufactured by the same manufacturer with the same principle, design and with the same materials with which, the said approved model has been manufactured.

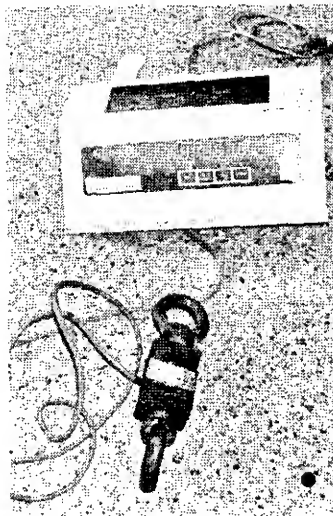
[F. No. WM-21(272)/2005]

P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 28 दिसम्बर, 2005

का.आ. 304.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, मैसर्स ट्रांसवर्ल्ड स्केल्स सर्विस, # XVIII/680, बीच रोड, कोल्लाम-691001 केरल द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग-III) वाले “टी एस एस-डब्ल्यू बी सी” श्रृंखला के अंकक सूचन सहित, हाईब्रिड प्रकार के अस्वचालित तोलन उपकरण (वेब्रिज के लिए कन्वर्शन किट प्रकार) के मॉडल का, जिसके ब्रांड का नाम “ट्रांसवर्ल्ड” है (जिसे उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/05/1066 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है।



उक्त मॉडल विकृत गेज प्रकार का लोड सेल आधारित अस्वचालित हाईब्रिड प्रकार (वेब्रिज के लिए कन्वर्शन किट) तोलन उपकरण है। इसकी अधिकतम क्षमता 40 टन और न्यूनतम क्षमता 200 कि.ग्रा. है। सत्यापन मापमान अन्तराल (ई) का मान 10 कि.ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

स्टाम्पिंग प्लेट को मुद्रांकित करने के अतिरिक्त कपटपूर्ण व्यवहारों के लिए मशीन को खोलने से रोकने के लिए सीलबंद भी किया जाएगा।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धान्त, डिजाइन के अनुसार और उसी सामग्री से, जिससे अनुमोदित मॉडल विनिर्मित किया गया है, विनिर्मित उसी श्रृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 5 कि. ग्रा. या उससे अधिक के “ई” मान के लिए 500 से 10,000 तक की रेंज में सत्यापन मान अंतराल (एन) सहित 5 टन से अधिक और 100 टन तक की अधिकतम क्षमता वाले हैं और “ई” मान 1×10^3 , 2×10^3 या 5×10^3 , के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

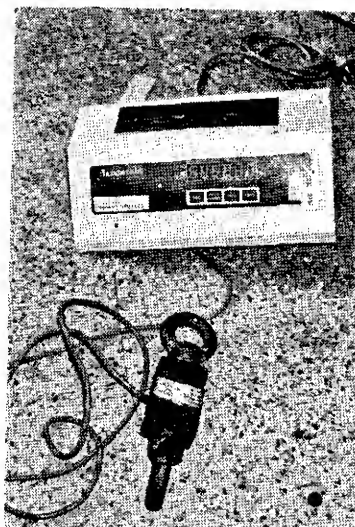
[फा. सं. डब्ल्यू एम-21(272)/2005]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 28th December, 2005

S.O. 304.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by Sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of hybrid type non-automatic weighing instrument (conversion kit for weighbridge) with digital indication belonging to medium accuracy (Accuracy class-III) of "TSS-WBC" series with brand name "TRANSWORLD", manufactured by M/s. Transworld Scales Services, # XVIII/680, Beach Road, Kollam-691001, Kerala and which is assigned the approval mark IND/09/05/1066.



The said model is a strain gauge type load cell based hybrid type non-automatic weighing instrument (conversion kit for weighbridge) with a maximum capacity of 40 tonne and minimum capacity of 200 kg. The verification scale interval (e) is 10 kg. It has a tare device with a 100 per cent subtractive retained tare effect. The Light Emitting Diode display indicates the weighing result. The instrument operates on 230 Volts and 50 Hertz alternate current power supply.

In addition to sealing the stamping plate, sealing shall also be done to prevent the opening of the machine for fraudulent practices.

Further, in exercise of the powers conferred by Sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity above 5 tonne and upto 100 tonne with verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5 kg. or more and with 'e' value 1×10^k , 2×10^k or 5×10^k , k being the positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model have been manufactured.

[F. No. WM-21(272)/2005]

P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 28 दिसम्बर, 2005

का.आ. 305.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, मैसर्स सिलिकान वेइंग टेक्नालाजी प्राइवेट लिमिटेड, 32 मधुसूदन नगर, यूनिट-IV भुवनेश्वर-751001 द्वारा निर्मित मध्य यथार्थता (यथार्थता वर्ग-III) वाले “पीसीके” शृंखला के अस्वचालित तोलन उपकरण (प्लेटफार्म के लिए कनवर्शन किट प्रकार) के मॉडल का, जिसके ब्रांड का नाम “सिलिकान-पीसीके” है (जिसे उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2005/591 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है।



उक्त मॉडल एक विकृत गेज प्रकार का लोड सेल आधारित अस्वचालित (प्लेटफार्म के लिए कनवर्शन किट प्रकार) तोलन उपकरण है। इसकी अधिकतम क्षमता 1000 कि.ग्रा. और न्यूनतम क्षमता 4 कि.ग्रा. है। सत्यापन मापमान अन्तराल (ई) का मान 200 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट, 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

स्ट्राम्पिंग प्लेट के मुद्रांकन के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोलने से रोकने के लिए सीलबंद भी किया जाएगा।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धान्त, डिजाइन के अनुसार और उसी सामग्री से, जिससे अनुमोदित मॉडल का निर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 5 ग्रा. या उससे अधिक के “ई” मान के लिए 500 से 10,000 तक के रेंज में सत्यापन मापमान अंतराल (एन) सहित 50 कि.ग्रा. से अधिक और 5,000 कि. ग्रा. तक की अधिकतम क्षमता वाले हैं और “ई” मान 1×10^3 , 2×10^3 या 5×10^3 , के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम-21(281)/2003]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 28th December, 2005

S.O. 305.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic weighing instrument (conversion kit for platform) with "PCK" series belonging to medium accuracy (Accuracy class-III) and with brand name "SILICON-PCK" (herein referred to as the said Model), manufactured by M/s. Silicon Weighing Technologies Private Limited, 32, Madhusudan Nagar, Unit-IV, Bhubaneswar-751001 and which is assigned the approval mark IND/09/05/591.



The said model is a strain gauge type load cell based non-automatic weighing instrument (conversion kit for platform) with a maximum capacity of 1000 kg and minimum capacity of 4 kg. The verification scale interval (e) is 200 g. It has a tare device with a 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) display indicates the weighing result. The instrument operates on 230 Volts, 50 Hertz alternate current power supply.

In addition to sealing the stamping plate, sealing shall also be done to prevent the opening of the machine for fraudulent practices.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instrument of similar make, accuracy and performance of same series with maximum capacity above 50 kg and upto 5,000 kg with number of verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5g. or more and with 'e' value 1×10^k , 2×10^k or 5×10^k , k being the positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

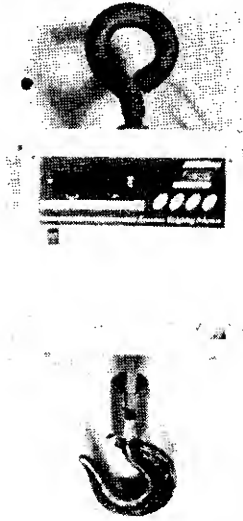
[F. No. WM-21(281)/2003]

P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 28 दिसम्बर, 2005

का.आ. 306.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स एलेग्जेंडर स्केल्स कम्पनी, 1115/1 पंकोरेनका, अहमदाबाद-380001 द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग-III) वाले “एएचएस-2टी” श्रृंखला के अंकक सूचन सहित, अस्वचालित तोलन उपकरण (क्रेन प्रकार) के मॉडल का, जिसके ब्रांड का नाम “ए एस सी ओ” है (जिसे उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2005/1024 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है।



उक्त मॉडल एक विकृति गैज प्रकार का लोड सेल आधारित अस्वचालित (क्रेन प्रकार) मध्यम यथार्थता (यथार्थता वर्ग III) का तोलन उपकरण है। इसकी अधिकतम क्षमता 2000 कि.ग्रा. और न्यूनतम क्षमता 20 कि.ग्रा. है। सत्यापन मापमान अन्तराल (ई) का मान 1 कि. ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट, 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

स्टाम्पिंग प्लेट के मुद्रांकन के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोलने से रोकने के लिए सीलबंद भी किया जाएगा।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धान्त, डिजाइन के अनुसार और उसी सामग्री से, जिससे अनुमोदित मॉडल का निर्माण किया गया है, विनिर्मित उसी श्रृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 5 ग्रा. या उससे अधिक के “ई” मान के लिए 500 से 10,000 तक की रेंज में सत्यापन मान सहित 50 कि.ग्रा. से अधिक और 5000 कि. ग्रा. तक की अधिकतम क्षमता वाले हैं और “ई” मान 1×10^3 , 2×10^3 या 5×10^3 , के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम-21(247)/2005]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 28th December, 2005

S.O. 306.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (See the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) (hereinafter referred to as the said Act) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of non-automatic weighing instrument (Crane type) with digital indication of "AHS-2T" series of medium accuracy (accuracy class-III) and with brand name "ASCO" (herein referred to as the said model), manufactured by M/s Alexandra Scale Co., 1115/1, Pankorenaka, Ahmedabad-380001 and which is assigned the approval mark IND/09/05/1024;



The said model is a strain gauge type load cell principle based non-automatic weighing instrument (Crane type) of medium accuracy (accuracy class-III) with a maximum capacity of 2000 kg. and minimum capacity of 20 kg. The verification scale interval (e) is 1kg. It has a tare device with a 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) display indicates the weighing result. The instrument operates on 230 Volts, 50 Hertz alternate current power supply;

In addition to sealing the stamping plate, sealing shall also be done to prevent opening of the machine for fraudulent practices.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instrument of similar make, accuracy and performance of same series with maximum capacity above 5g. and up to 5000 kg. with number of verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5 g. or more and with 'e' value of 1×10^k , 2×10^k , or 5×10^k , k is a positive or negative whole number or equal to zero, manufactured by the same manufacturer with the same principle, design and with the same materials with which, the said approved model has been manufactured.

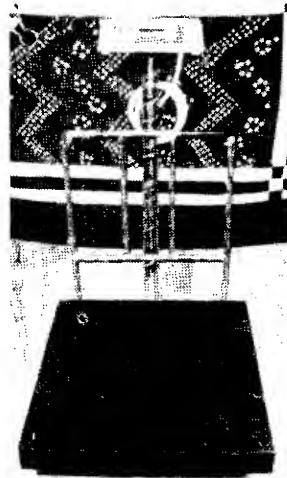
[F. No. WM-21(247)/2005]

P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 29 दिसम्बर, 2005

का.आ. 307.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए जय किशन इंडस्ट्रीज, नं. 21/2, जोन्स मिल्स संख्या 4, जीवन मंडी, आगरा-282004 द्वारा विनिर्मित मध्यम यथार्थता वर्ग (यथार्थता वर्ग-III) वाले “जेकेपी” शृंखला के अंकक सूचन सहित, अस्वचालित तोलन उपकरण (प्लेटफार्म प्रकार) के मॉडल का, जिसके ब्रांड का नाम “जे के” है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2005/204 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है।



उक्त मॉडल एक विकृत गेज प्रकार का भार सैल आधारित (प्लेटफार्म प्रकार का) अस्वचालित तोलन उपकरण है। इसकी अधिकतम क्षमता 1000 कि.ग्रा. और न्यूनतम क्षमता 2 कि.ग्रा. है। सत्यापन मापमान अन्तराल (ई) 100 ग्राम है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

स्टाम्पिंग प्लेट के मुद्रांकन के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोलने से रोकने के लिए सीलबंद भी किया जाएगा।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धान्त, डिजाइन के अनुसार और उसी सामग्री से, जिससे अनुमोदित मॉडल विनिर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 5 ग्रा. या उससे अधिक के “ई” मान के लिए 500 से 10,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) सहित 50 किलोग्राम से अधिक और 5000 किलोग्राम तक की अधिकतम क्षमता वाले हैं और “ई” मान 1×10^3 , 2×10^3 या 5×10^3 के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

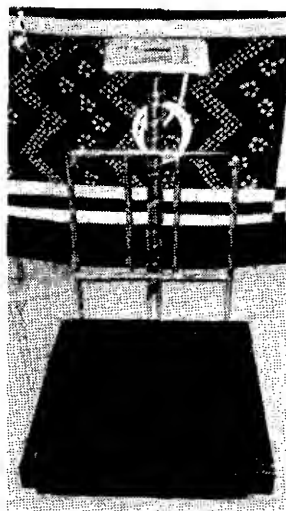
[फा. सं. डब्ल्यू एम-21(88)/2004]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 29th December, 2005

S.O. 307.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of non-automatic weighing instrument (Platform type) with digital indication of “JKP” series of medium accuracy (Accuracy class-III) and with brand name “JK” (herein referred to as the said Model), manufactured by M/s Jai Kishan Industries, No. 21/2, Jhon’s Mill No. 4, Jeony Mandi, Agra-282004 and which is assigned the approval mark IND/09/2005/204;



The said Model is a strain gauge type load cell based non-automatic weighing instrument (Platform type) with a maximum capacity of 1000 kg. and minimum capacity of 2 kg. The verification scale interval (e) is 100gm. It has a tare device with a 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) display indicates the weighing result. The instrument operates on 230 Volts, 50 Hertz alternate current power supply;

In addition to sealing the stamping plate, sealing shall also be done to prevent from opening of the machine for fraudulent practices.

Further, in exercise of the powers conferred by Sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said Model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity above 50 kg. and up to 5000 kg. with verification scale interval (n) in the range of 500 to 10,000 for ‘e’ value of 5g. or more and with ‘e’ value 1×10^k , 2×10^k , or 5×10^k , k is a positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

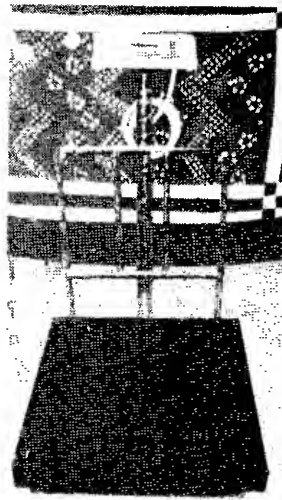
[F. No. WM-21(88)/2004]

P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 29 दिसम्बर, 2005

का.आ. 308.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए जय किशन इंडस्ट्रीज, नं. 21/2, जोन्स मिल्स संख्या 4, जीवन मंडी, आगरा-282004 द्वारा विनिर्मित उच्च यथार्थता वर्ग (यथार्थता वर्ग-II) वाले "जेकेपी" श्रृंखला के अंकक सूचन सहित, अस्वचालित तोलन उपकरण (प्लेटफार्म प्रकार) के मॉडल का, जिसके ब्रांड का नाम "जे के" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2005/203 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है।



उक्त मॉडल एक विकृति गेज प्रकार का भार सैल आधारित (प्लेटफार्म प्रकार का) अस्वचालित तोलन उपकरण है। इसकी अधिकतम क्षमता 1000 कि.ग्रा. और न्यूनतम क्षमता 5 कि.ग्रा. है। सत्यापन मापमान अंतराल (ई) 100 ग्राम है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यकलनात्मक भारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

स्टाम्पिंग प्लेट को सील करने के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोले जाने से रोकने के लिए भी सीलबंद किया जाएगा।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धान्त, डिजाइन के अनुसार और उसी सामग्री से, जिससे उक्त अनुमोदित मॉडल का विनिर्माण किया गया है, विनिर्मित उसी श्रृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 100 मि. ग्राम या उससे अधिक के "ई" मान के लिए 5000 से 50,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) सहित 50 किलोग्राम से अधिक और 5000 किलोग्राम तक की अधिकतम क्षमता वाले हैं और "ई" मान 1×10^3 , 2×10^3 या 5×10^3 के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

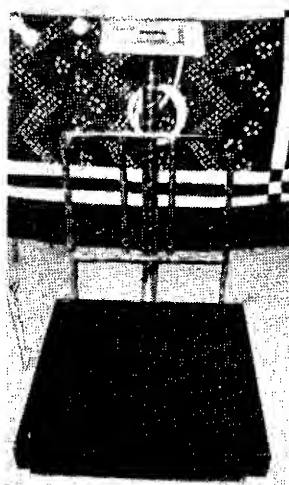
[फा. सं. डब्ल्यू एम-21(88)/2004]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 29th December, 2005

S.O. 308.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of non-automatic weighing instrument (Platform type) with digital indication of "JKP" series of high accuracy (Accuracy class-II) and with brand name "JK" (herein referred to as the said Model), manufactured by M/s Jai Kishan Industries, No. 21/2, Jhon's Mill No. 4, Jeony Mandi, Agra-282004 and which is assigned the approval mark IND/09/2005/203;



The said Model is a strain gauge type load cell based non-automatic weighing instrument (Platform type) with a maximum capacity of 1000 kg and minimum capacity of 5 kg. The verification scale interval (e) is 100 g. It has a tare device with a 100 per cent subtractive retained tare effect. The light Emitting Diode (LED) display indicates the weighing result. The instrument operates on 230 Volts, 50 Hertz alternative current power supply:

In addition to sealing the stamping plate, sealing shall also be done to prevent from opening of the machine for fraudulent practices.

Further, in exercise of the powers conferred by Sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity above 50 kg and upto 5000 kg with verification scale interval (n) in the range of 5000 to 50,000 for 'e' value of 100 mg or more and with 'e' value 1×10^k , 2×10^k , or 5×10^k , where k is a positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

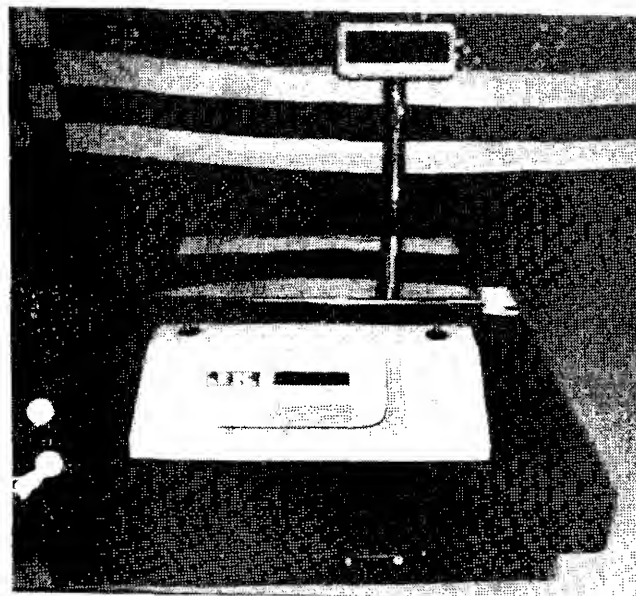
[F. No. WM-21(88)/2004]

P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 29 दिसम्बर, 2005

का.आ. 309.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, मैसर्स जय किशन इंडस्ट्रीज नं. 21/2, जोन्स मिल्स संख्या 4, जीवन मंडी, आगरा-282004 द्वारा विनिर्मित उच्च यथार्थता (यथार्थता वर्ग-II) वाले “जे के टी” श्रृंखला के अंकक सूचन सहित, अस्वचालित, तोलन उपकरण (टेबल टॉप प्रकार) के मॉडल का, जिसके ब्रांड का नाम “जे के” है (जिसे इसमें उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2005/202 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है।



उक्त मॉडल एक विकृति गेज प्रकार का भार सैल आधारित (टेबल टॉप प्रकार का) अस्वचालित तोलन उपकरण है। इसकी अधिकतम क्षमता 30 कि. ग्रा. है और न्यूनतम क्षमता 100 ग्रा. है। सत्यापन मापमान अंतराल (ई) का मान 2 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

स्टाम्पिंग प्लेट को सील करने के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोले जाने से रोकने के लिए भी सीलबंद किया जाएगा।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धान्त, डिजाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित मॉडल विनिर्माण किया गया है, विनिर्मित उसी श्रृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 1 मि. ग्रा. से 50 मि. ग्राम तक “ई” मान के लिए 100 से 50,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) और 100 मि. ग्राम या उससे अधिक के “ई” मान के लिए 5000 से 50,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) सहित 50 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और “ई” मान 1×10^{-6} , 2×10^{-6} या 5×10^{-6} के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

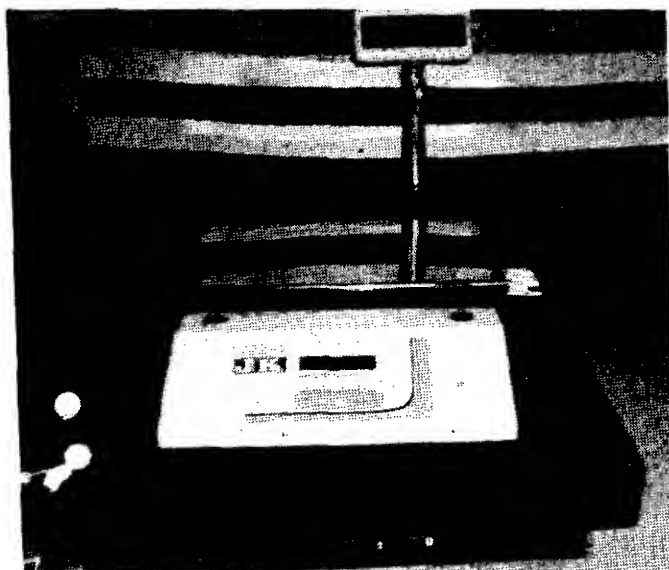
[फा. सं. डब्ल्यू एम-21(88)/2004]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 29th December, 2005

S.O. 309.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of non-automatic weighing instrument (Table top type) with digital indication of “JKT” series of high accuracy (Accuracy class-II) and with brand name “JK” (hereinafter referred to as the said model), manufactured by M/s Jai Kishan Industries, No. 21/2, Jhon’s Mill No. 4, Jeony Mandi, Agra-282 004 and which is assigned the approval mark IND/09/2005/202;



The said model is strain gauge type load cell based non-automatic weighing instrument (Table top type), with a maximum capacity of 30kg. and minimum capacity of 100g. The verification scale interval (e) is 2g. It has a tare device with a 100 percent subtractive retained tare effect. The Light Emitting Diode (LED) display indicates the weighing result. The instrument operates on 230 Volts and 50 Hertz alternative current power supply.

In addition to sealing the stamping plate, sealing shall also be done to prevent from opening of the machine for fraudulent practices.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity upto 50kg. with verification scale interval (n) in the range of 100 to 50,000 for ‘e’ value of 1mg to 50mg and with verification scale interval (n) in the range of 5000 to 50,000 for ‘e’ value of 100mg or more and with ‘e’ value of 1×10^k , 2×10^k , or 5×10^k , where k is a positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principles, design and with the same materials with which, the said approved model has been manufactured.

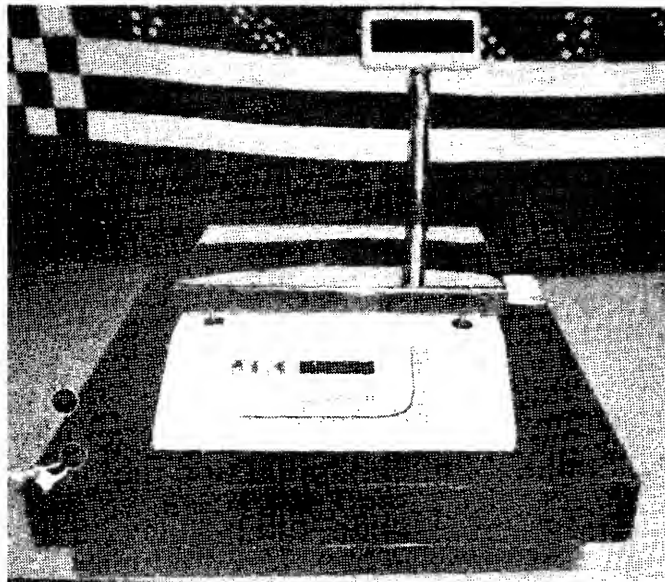
[F. No. WM-21(88)/2004]

P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 29 दिसम्बर, 2005

का.आ. 310.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, मैसर्स जय किशन इंडस्ट्रीज, नं. 21/2, जोन्स मिल्स संख्या 4, जीवन मंडी, आगरा-282004 द्वारा विनिर्मित मध्यम यथार्थता वर्ग (यथार्थता वर्ग-III) वाले “जे के टी” शृंखला के अंकक सूचन सहित, अस्वचालित, तोलन उपकरण (टेबलटोप प्रकार) के मॉडल का, जिसके ब्रांड का नाम “जे के” है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2005/201 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है।



उक्त मॉडल एक विकृत गैज प्रकार का भार सेल आधारित (टेबलटोप प्रकार का) अस्वचालित तोलन उपकरण है। इसकी अधिकतम क्षमता 30 कि. ग्रा. और न्यूनतम क्षमता 100 ग्रा. है। सत्यापन मापमान अंतराल (ई) 5 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

स्टाम्पिंग प्लेट को सील करने के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोले जाने से रोकने के लिए सीलबंद भी किया जाएगा।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धान्त, डिजाइन के अनुसार और उसी सामग्री से, जिससे उक्त अनुमोदित मॉडल का विनिर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 100 मि. ग्रा. से 2 ग्राम तक “ई” मान के लिए 100 से 10,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) और 5 ग्राम या उससे अधिक के “ई” मान के लिए 500 से 10,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) सहित 50 किलोग्राम तक की अधिकतम क्षमता वाले हैं और “ई” मान 1×10^{-6} , 2×10^{-6} या 5×10^{-6} , के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम-21(88)/2004]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 29th December, 2005

S.O. 310.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of non-automatic weighing instrument (Table top type) with digital indication of “JKT” series of medium accuracy (Accuracy class-III) and with brand name “JK” (herein referred to as the said Model), manufactured by M/s Jai Kishan Industries, No. 21/2, Jhon’s Mill No. 4, Jeony Mandi, Agra-282004 and which is assigned the approval mark IND/09/2005/201;



The said model is a strain gauge type load cell based non-automatic weighing instrument (Table top type) with a maximum capacity of 30kg. and minimum capacity of 100 g. The verification scale interval (e) is 5g. It has a tare device with a 100 percent subtractive retained tare effect. The Light Emitting Diode (LED) display indicates the weighing result. The instrument operates on 230 Volts and 50 Hertz alternative current power supply.

In addition to sealing the stamping plate, sealing shall also be done to prevent from opening of the machine for fraudulent practices.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity up to 50 kg with verification scale interval (n) in the range of 100 to 10,000 for ‘e’ value of 100mg to 2g and with verification scale interval (n) in the range of 500 to 10,000 for ‘e’ value of 5g or more and with ‘c’ value of 1×10^k , 2×10^k , or 5×10^k , where k is a positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principles, design and with the same materials with which, the said approved model has been manufactured.

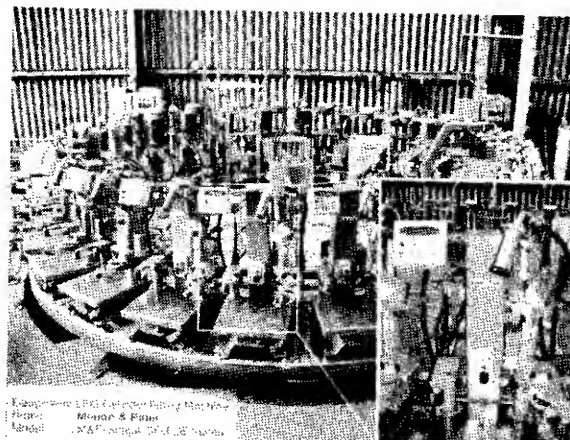
[F. No. WM-21(88)/2004]

P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 2 जनवरी, 2006

का.आ. 311.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, मैसर्स “मैनन एण्ड पटेल” नं. 14/3, मथुरा रोड, फरीदाबाद-121003, हरियाणा द्वारा निर्मित “एम एंड पी-सिरगा-सीएफ्यू-2ई” शृंखला के अंकक सूचन सहित, स्वचालित, ग्रेविमैट्रिक फीलिंग उपकरण (कैरोसिल प्रकार) के मॉडल का है और जिसके ब्रांड का नाम “मैनन एण्ड पटेल” है (जिसे उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2005/546 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है।



उक्त मॉडल एक विकृति गैज प्रकार का लोड सेल आधारित स्वचालित ग्रेविमैट्रिक फीलिंग उपकरण (कैरोसिल प्रकार) है। इसकी अधिकतम क्षमता 60 कि. ग्रा. और सत्यापन मापमान अन्तराल (ई) का मान 50 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। लिक्विड क्रिस्टल डिस्प्ले (एल सी डी) तोलन परिणाम उपदर्शित करता है। इस प्रणाली के एक ड्राइविंग यूनिट में 24 फीलिंग प्वाइंट्स हैं और इसका उपयोग एल पी जी सिलेंडरों को भरने के लिए किया जाता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है। इसकी अधिकतम भराव क्षमता 24 सिलेंडर प्रति मिनट है।

स्टाम्पिंग प्लेट को मुद्रांकन के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोलने से रोकने के लिए सीलबंद भी किया जाएगा।

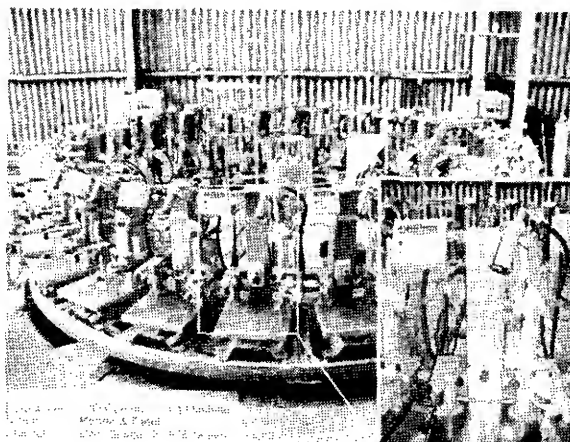
[फा. सं. डब्ल्यू एम-21(163)/2005]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 2nd January, 2006

S.O. 311.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of automatic gravimetric filling instrument (Carousel type) with digital indication of "M & P-Siraga-CFU-2E" series of X(1) accuracy and with brand name "MENON & PATEL" (hereinafter referred to as the said model), manufactured by M/s Menon & Patel, No. 14/3, Mathura Road, Faridabad-121 003, Haryana and which is assigned the approval mark IND/09/2005/546;



The said model is a (strain gauge type) load cell based automatic gravimetric filling instrument (Carousel type) with a maximum capacity of 60 kg. and the verification scale interval (e) 50g. It has a tare device with a subtractive retained tare effect. The Liquid Crystal Display (LCD) indicates the weighing result. The system consists of 24 filling points in one driving unit and is used for filling LPG in cylinders. The instrument operates on 230 Volts, 50 Hertz alternative current power supply. Its maximum filling capacity is 24 cylinders per minute.

In addition to sealing the stamping plate, sealing shall also be done to prevent from opening of the machine for fraudulent practices.

[F. No. WM-21(163)/2005]

P. A. KRISHNAMOORTHY, Director of Legal Metrology

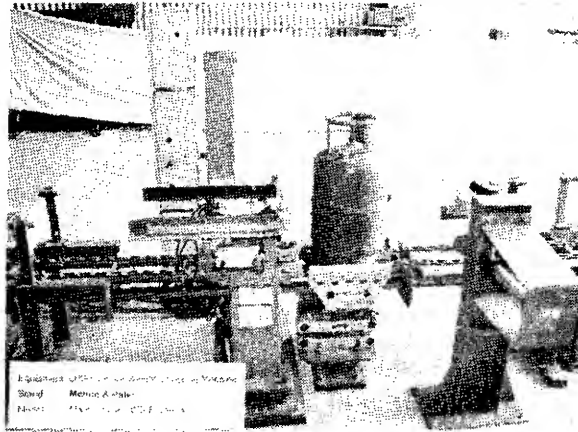
नई दिल्ली, 2 जनवरी, 2006

का.आ. 312.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, मैसर्स “मैनन एण्ड पटेल” नं. 14/3, मथुरा रोड, फरीदाबाद—121 003, हरियाणा द्वारा निर्मित मध्यम यथार्थता (यथार्थता वर्ग-III) वाले “एम एंड पी-सिरगा-सी डब्ल्यू एस-ई” शृंखला के अंकक सूचन सहित, स्वतः सूचक, अस्वचालित, तोलन उपकरण (प्लेटफार्म प्रकार-एल पी जी सिलैण्डर तोल मशीन) के मॉडल का, जिसके ब्रांड का नाम “मैनन एण्ड पटेल” है (जिसे उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2005/786 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है।

उक्त मॉडल एक विकृति गैज प्रकार का लोड सेल आधारित अस्वचालित (प्लेटफार्म प्रकार-एल पी जी सिलैण्डर तोल मशीन) तोलन उपकरण है। इसकी अधिकतम क्षमता 60 कि.ग्रा. और न्यूनतम क्षमता 1 कि.ग्रा. है। सत्यापन मापमान अन्तराल (ई) का मान 50 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यकलनात्मक धारित आधेयतुलन प्रभाव है। लिक्विड क्रिस्टल डिस्प्ले (एल सी डी) तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

स्टाम्पिंग प्लेट के मुद्रांकन के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोलने से रोकने के लिए सीलबंद भी किया जाएगा।



और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धान्त, डिजाइन के अनुसार और उसी सामग्री से जिससे अनुमोदित मॉडल का निर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 5 ग्रा. या उससे अधिक के “ई” मान के लिए 50 से 10,000 तक की रेंज में सत्यापन मान सहित 50 कि.ग्रा. से अधिक 100 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और “ई” मान 1×10^3 , 2×10^3 या 5×10^3 के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम-21(163)/2005]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

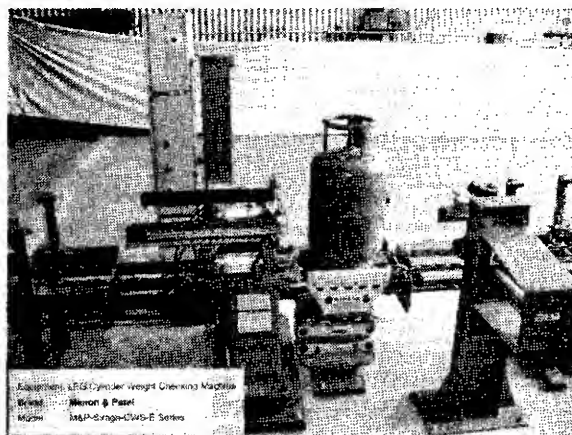
New Delhi, the 2nd January, 2006

S.O. 312.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the self indicating non-automatic (Platform type-LPG Cylinder weighing machine), weighing instrument with digital indication of "M & P-Siraga-CWS-E" series of medium accuracy (Accuracy class-III) and with brand name "Menon & Patel" (hereinafter referred to as the said model), manufactured by M/s. Menon & Patel, No. 14/3, Mathura Road, Faridabad-121003, Haryana and which is assigned the approval mark IND/09/2005/786;

The said model is a strain gauge type load cell based non-automatic weighing instrument (Platform type-LPG Cylinder weighing machine) with a maximum capacity of 60 kg and minimum capacity of 1 kg. The verification scale interval (e) is 50g. It has a tare device with a 100 per cent subtractive retained tare effect. The Liquid Crystal Display (LCD) indicates the weighing result. The instrument operates on 230 Volts and 50 Hertz alternative current power supply.

In addition to sealing the stamping plate, sealing shall also be done to prevent from opening of the machine for fraudulent practices.



Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity above 50 kg and up to 100 kg with verification scale interval(n) in the range of 500 to 10,000 for 'e' value of 5g or more and with 'e' value of 1×10^k , 2×10^k , or 5×10^k , k being a positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

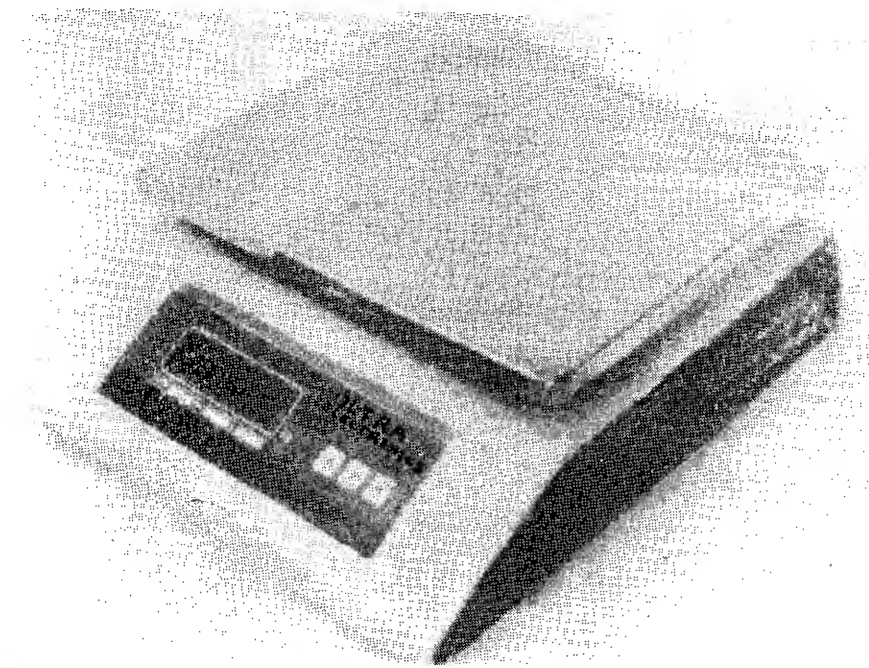
[F. No. WM-2(163)/2005]

P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 2 जनवरी, 2006

का.आ. 313.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, मैसर्स अल्ट्रा इलैक्ट्रॉनिक्स, शिवाजी नगर, पटेलवाड़ी के सामने, सावरकुंडला, गुजरात द्वारा निर्मित उच्च यथार्थता (यथार्थता वर्ग-II) वाले "अल्ट्रा इलैक्ट्रॉनिक्स" शृंखला के अंकक सूचन सहित, अस्वचालित, तोलन उपकरण (टेबल टाप प्रकार) के मॉडल का, जिसके ब्रांड का नाम "अल्ट्रा इलैक्ट्रॉनिक्स" है (जिसे इसमें उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/05/569 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है।



उक्त मॉडल एक विकृति गैज प्रकार का लोड सेल आधारित उच्च यथार्थता (यथार्थता वर्ग-II) अस्वचालित (टेबल टाप प्रकार का) तोलन उपकरण है। इसकी अधिकतम क्षमता 30 कि.ग्रा. और न्यूनतम क्षमता 100 ग्रा. है। सत्यापन मापमान अंतराल (ई) का मान 2 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट, 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

स्टाम्पिंग प्लेट के मुद्रांकन के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोलने से रोकने के लिए सीलबंद भी किया जाएगा।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धान्त, डिजाइन के अनुसार और उसी सामग्री से जिससे अनुमोदित मॉडल का निर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 1 मि.ग्रा. से 50 मि. ग्रा. तक "ई" मान के लिए 100 से 50,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) और 100 मि.ग्रा. या उससे अधिक के "ई" मान के लिए 5000 से 50,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) सहित 50 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और "ई" मान 1×10^3 , 2×10^3 या 5×10^3 के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

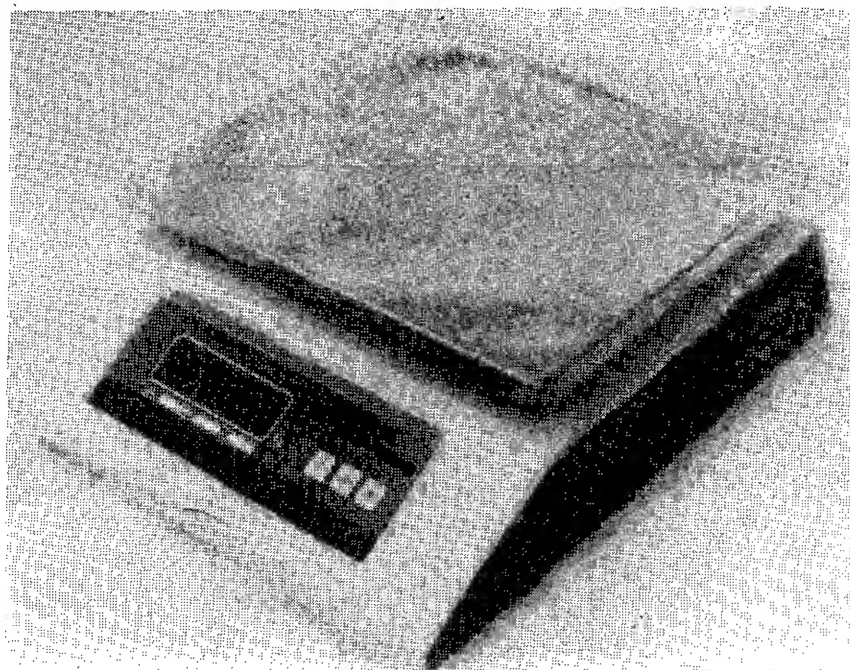
[फा. सं. डब्ल्यू एम-21(100)/2005]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 2nd January, 2006

S.O. 313.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic (Table Top type), weighing instrument with digital indication of “ULTRA ELECTRONICS” series of high accuracy (Accuracy class-II) and with brand name “ULTRA ELECTRONICS” (hereinafter referred to as the said model), manufactured by M/s. Ultra Electronics, Shivaji Nagar, Opp. Patelwadi, Sawarkundla-364 515, Gujarat and which is assigned the approval mark IND/09/05/569;



The said model is a strain gauge type load cell based non-automatic weighing instrument (Table Top Type) of high accuracy (Accuracy class-II) with a maximum capacity of 30 kg and minimum capacity of 100 g. The verification scale interval (e) is 2 g. It has a tare device with a 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) display indicates the weighing result. The instrument operates on 230 Volts and 50 Hertz alternative current power supply.

In addition to sealing the stamping plate, sealing shall also be done to prevent the opening of the machine for fraudulent practices.

Further, in exercise of the powers conferred by sub-section (12) of the Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instrument of similar make, accuracy and performance of same series with maximum capacity upto 50 kg with verification scale interval (n) in the range of 100 to 50,000 for ‘e’ value of 1 mg to 50 mg and with the number of verification scale interval (n) in the range 5000 to 50000 for ‘e’ value of 100 mg or more and with ‘e’ value of 1×10^k , 2×10^k , or 5×10^k , k being a positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

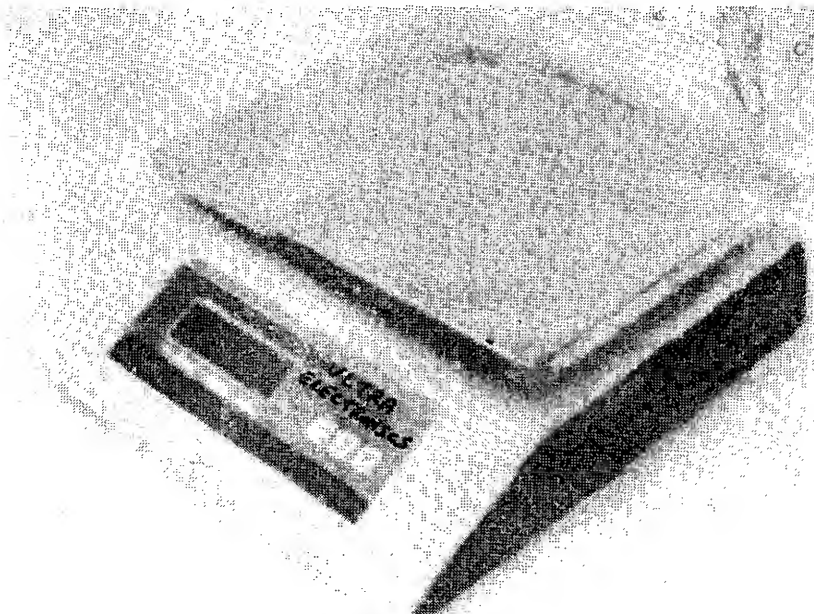
[F. No. WM-21(100)/2005]

P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 2 जनवरी, 2006

का.आ. 314.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप हैं और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, मैसर्स अल्ट्रा इलैक्ट्रॉनिक्स, शिवाजी नगर, पटेलवाड़ी के सामने, सावरकुंडला-364515 गुजरात द्वारा निर्मित मध्यम यथार्थता (यथार्थता वर्ग-III) वाले “अल्ट्रा इलैक्ट्रॉनिक्स” शृंखला के अंकक सूचन सहित, अस्वचालित, तोलन उपकरण (टेबल टाप प्रकार) के मॉडल का, जिसके ब्रांड का नाम “अल्ट्रा इलैक्ट्रॉनिक्स” है (जिसे इसमें उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2005/570 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है।



उक्त मॉडल एक विकृति गेज प्रकार का लोड सेल आधारित मध्यम यथार्थता (यथार्थता वर्ग-III) अस्वचालित (टेबल टाप प्रकार का) तोलन उपकरण है। इसकी अधिकतम क्षमता 20 कि.ग्रा. और न्यूनतम क्षमता 100 ग्रा. है। सत्यापन मापमान अंतराल (ई) का मान 2 ग्रा. है। इसमें एक आघेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आघेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

स्टाम्पिंग प्लेट के मुद्रांकन के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोलने से रोकने के लिए सीलबंद भी किया जाएगा।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धान्त, डिजाइन के अनुसार और उसी सामग्री से जिससे अनुमोदित मॉडल का निर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 100 मि.ग्रा. से 2 ग्रा. तक “ई” मान के लिए 100 से 10,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) और 5 ग्रा. या उससे अधिक के “ई” मान के लिए 500 से 10,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) सहित 50 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और “ई” मान $1 \times 10^*$, $2 \times 10^*$ या $5 \times 10^*$ के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

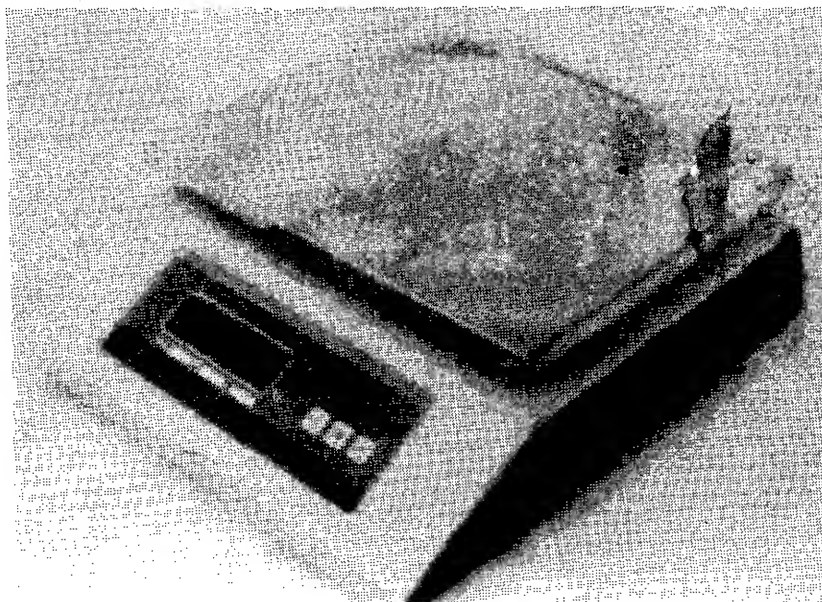
[फा. सं. डब्ल्यू एम-21(100)/2005]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 2nd January, 2006

S.O. 314.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic (Table Top type), weighing instrument with digital indication of "ULTRA ELECTRONICS" series of medium accuracy (Accuracy class-III) and with brand name "ULTRA ELECTRONICS" (hereinafter referred to as the said model), manufactured by M/s. Ultra Electronics, Shivaji Nagar, Opp. Patelwadi, Sawarkundla-364515, Gujarat and which is assigned the approval mark IND/09/2005/570.



The said model is a strain gauge type load cell based non-automatic weighing instrument (Table Top Type) of medium accuracy (accuracy class-III) with a maximum capacity of 20kg. and minimum capacity of 100g. The verification scale interval (e) is 2g. It has a tare device with a 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) display indicates the weighing result. The instrument operates on 230 Volts, 50 Hertz alternative current power supply.

In addition to sealing the stamping plate, sealing shall also be done to prevent the opening of the machine for fraudulent practices.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instrument of similar make, accuracy and performance of same series with maximum capacity upto 50Kg. with verification scale interval(n) in the range of 100 to 10,000 for 'e' value of 100mg. to 2g. and with the number of verification scale interval (n) in the range 500 to 10000 for 'e' value of 5g. or more and with 'e' value of 1×10^k , 2×10^k , or 5×10^k , k being a positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

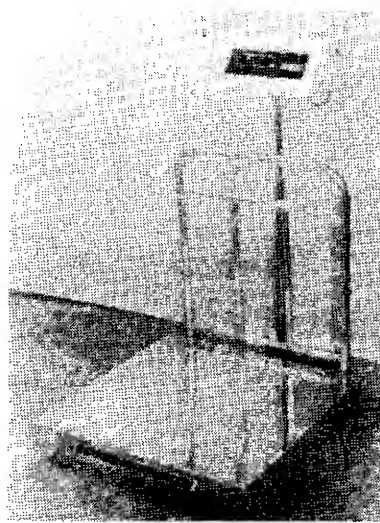
[F. No. WM-21(100)/2005]

P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 2 जनवरी, 2006

का.आ. 315.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, मैसर्स अल्ट्रा इलैक्ट्रॉनिक्स, शिवाजी नगर, पटेलवाड़ी के सामने, सावरकुंडला-364515 गुजरात द्वारा निर्मित उच्च यथार्थता (यथार्थता वर्ग-II) वाले “अल्ट्रा इलैक्ट्रॉनिक्स” श्रृंखला के अंकक सूचन सहित, अस्वचालित, तोलन उपकरण (प्लेटफार्म प्रकार) के मॉडल का, जिसके ब्रांड का नाम “अल्ट्रा इलैक्ट्रॉनिक्स” है (जिसे इसमें उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2005/571 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है।



उक्त मॉडल एक विकृति गेज प्रकार का लोड सेल आधारित अस्वचालित (प्लेटफार्म प्रकार का) तोलन उपकरण है। इसकी अधिकतम क्षमता 750 कि.ग्रा. और न्यूनतम क्षमता 2.5 कि. ग्रा. है। सत्यापन मापमान अन्तराल (ई) का मान 50 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट, 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

स्टाम्पिंग प्लेट के मुद्रांकन के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोलने से रोकने के लिए सीलबंद भी किया जाएगा।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धान्त, डिजाइन के अनुसार और उसी सामग्री से जिससे अनुमोदित मॉडल का निर्माण किया गया है, विनिर्मित उसी श्रृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 100 मि.ग्रा. या उससे अधिक के “ई” मान के लिए 5000 से 50,000 तक की रेंज में सत्यापन मापमान अन्तराल (एन) सहित 50 कि.ग्रा. से अधिक और 1000 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और “ई” मान 1×10^3 , 2×10^3 या 5×10^3 के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

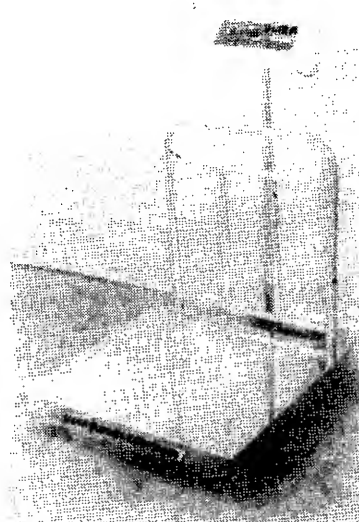
[फा. सं. डब्ल्यू एम-21(100)/2005]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 2nd January, 2006

S.O. 315.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic weighing instrument (Platform type), with digital indication of “ULTRA ELECTRONICS” series of High accuracy (Accuracy class-II) and with brand name “ULTRA ELECTRONICS” (hereinafter referred to as the said model), manufactured by M/s. Ultra Electronics, Shivaji Nagar, Opp. Patelwadi, Sawarkundla-364515, Gujarat and which is assigned the approval mark IND/09/2005/571.



The said model is strain gauge type load cell based non-automatic weighing instrument (Platform type) with a maximum capacity of 750 Kg. and minimum capacity of 2.5 Kg. The verification scale interval (e) is 50g. It has a tare device with a 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) indicates the weighing results. The instrument operates on 230 Volts, 50 Hertz alternative current power supply.

In addition to sealing the stamping plate, sealing shall also be done to prevent the opening of the machine for fraudulent practices.

Further, in exercise of the power conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity above 50 Kg. and up to 1000 Kg. with verification scale interval (n) in the range of 5000 to 50,000 for 'e' value of 100 mg. or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , where k is a positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

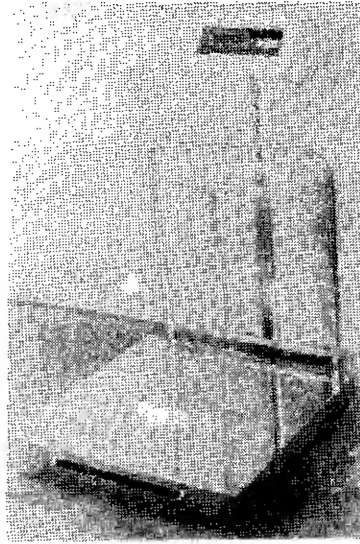
[F. No. WM-21(100)/2005]

P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 2 जनवरी, 2006

का.आ. 316.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, मैसर्स अल्ट्रा इलैक्ट्रॉनिक्स, शिवाजी नगर, पटेलवाड़ी के सामने, सावरकुंडला-364515 गुजरात द्वारा निर्मित मध्यम यथार्थता (यथार्थता वर्ग-III) वाले "अल्ट्रा इलैक्ट्रॉनिक्स" शृंखला के अंकक सूचन सहित, अस्वचालित, तोलन उपकरण (प्लेटफार्म प्रकार) के मॉडल का, जिसके ब्रांड का नाम "अल्ट्रा इलैक्ट्रॉनिक्स" है (जिसे इसमें उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/05/572 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है।



उक्त मॉडल एक विकृति गैज प्रकार का लोड सेल आधारित अस्वचालित (प्लेटफार्म प्रकार) तोलन उपकरण है। इसकी अधिकतम क्षमता 1000 कि.ग्रा. और न्यूनतम क्षमता 2 कि.ग्रा. है। सत्यापन मापमान अंतराल (ई) का मान 100 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट, 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

स्टाम्पिंग प्लेट को मुद्रांकन के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोलने से रोकने के लिए सीलबंद भी किया जाएगा।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धान्त, डिजाइन के अनुसार और उसी सामग्री से जिससे अनुमोदित मॉडल का निर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 5 ग्रा. या उससे अधिक के "ई" मान के लिए 5000 से 50,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) सहित 50 कि.ग्रा. से अधिक और 5000 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और "ई" मान 1×10^3 , 2×10^3 या 5×10^3 , के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

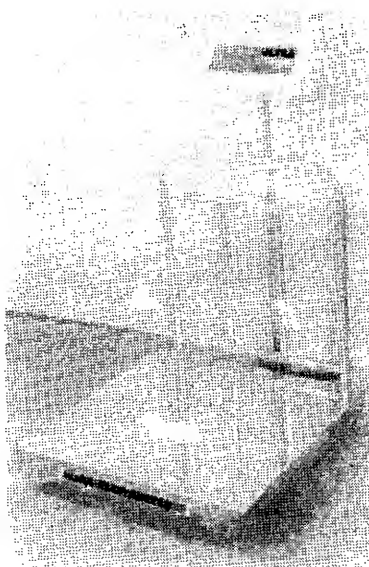
[फा. सं. डब्ल्यू एम-21(100)/2005]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 2nd January, 2006

S.O. 316.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic weighing instrument (Platform type) with digital indication of “ULTRA ELECTRONICS” series of medium accuracy (Accuracy class-III) and with brand name “ULTRA ELECTRONICS” (hereinafter referred to as the said model), manufactured by M/s. Ultra Electronics, Shivaji Nagar, Opp. Patelwadi, Sawarkundla-364515, Gujarat and which is assigned the approval mark IND/09/05/572;



The said model is a strain gauge type load cell based non-automatic weighing instrument (Platform Type) with a maximum capacity of 1000kg and minimum capacity of 2 kg. The verification scale interval (e) is 100g. It has a tare device with a 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) indicates the weighing result. The instrument operates on 230 Volts and 50 Hertz alternative current power supply.

In addition to sealing the stamping plate, sealing shall also be done to prevent from opening of the machine for fraudulent practices.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity above 50 kg. and up to 5000kg. with verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5 g. or more and with 'e' value of 1×10^k , 2×10^k , or 5×10^k , where k is a positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principles, design and with the same materials with which the said approved model has been manufactured.

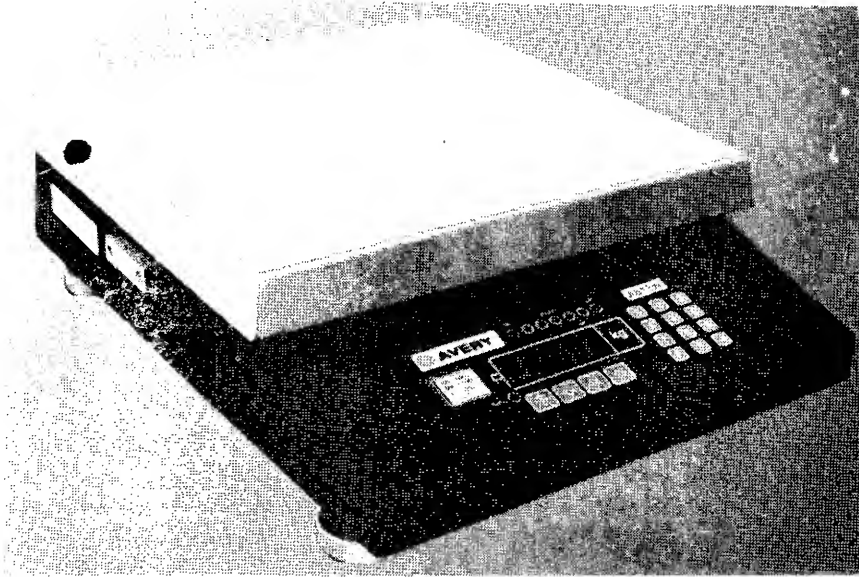
[F. No. WM-21(100)/2005]

P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 3 जनवरी, 2006

का.आ. 317.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स अवेरी इण्डिया लिमिटेड, प्लॉट सं० 50-54, सेक्टर 25, बल्लगढ़-121004 हरियाणा द्वारा निर्मित मध्यम यथार्थता (यथार्थता वर्ग-III) वाले “ए 613 डब्ल्यू” श्रृंखला के अस्वचालित तोलन उपकरण (टेबलटॉप प्रकार) के मॉडल का, जिसके ब्रांड का नाम “अवेरी” है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/05/565 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है।



उक्त मॉडल एक विकृति गेज प्रकार का लोड सेल आधारित अस्वचालित (टेबल टॉप प्रकार का) तोलन उपकरण जो अंकक सूचन सहित लोड सैल सिद्धान्त पर कार्य करता है। इसकी अधिकतम क्षमता 30 कि.ग्रा. और न्यूनतम क्षमता 100 ग्रा. है। सत्यापन मापमान अंतराल (ई) का मान 2 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

स्टाम्पिंग प्लेट के मुद्रांकन के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोलने से रोकने के लिए सीलबंद भी किया जाएगा।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (12) प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धान्त, डिजाइन के अनुसार और उसी सामग्री से जिससे अनुमोदित मॉडल का निर्माण किया गया है, विनिर्मित उसी श्रृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 100 मि.ग्रा. से 2 ग्रा. तक “ई” मान के लिए 100 से 10,000 तक के रेंज में सत्यापन मापमान अंतराल (एन) और 5 ग्रा. या उससे अधिक के “ई” मान के लिए 500 से 10,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) सहित 50 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और “ई” मान 1×10^{-6} , 2×10^{-6} या 5×10^{-6} , के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

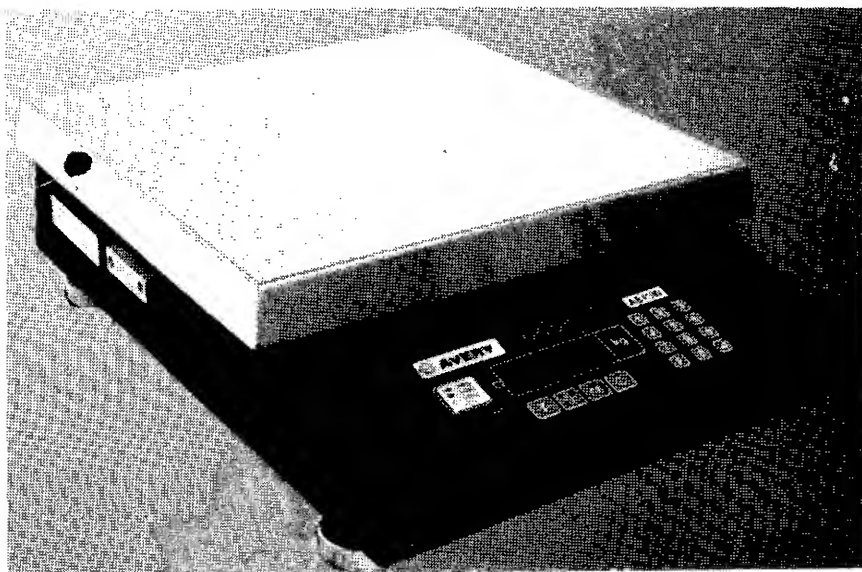
[फा. सं. डब्ल्यू एम-21(10)/2005]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 3rd January, 2006

S.O. 317.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (See the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) (hereinafter referred to as the said Act) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by Sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of model of, non-automatic weighing instrument (table top type) of "A 613W" series belonging to medium accuracy (Accuracy Class-III) and with brand name "AVERY" (hereinafter referred to as the said Model), manufactured by M/s. Avery India Limited, Plot No. 50-54, Sector-25, Ballabhgarh-121 004, Haryana and which is assigned the approval mark IND/09/05/565;



The said model is a strain gauge type load cell based non-automatic weighing instrument (Table top type) working on the principle of load cell with digital indication of maximum capacity of 30 kg. and minimum capacity of 100 g. and belonging to medium accuracy class (accuracy class-III). The value of verification scale interval (e) is 5g. The display unit is of light emitting diode (LED) type. The instrument operates on 230 Volts, 50 Hertz alternate current power supply;

In addition to sealing the stamping plate, scaling shall also be done to prevent the opening of the machine for fraudulent practices.

Further, in exercise of the powers conferred by Sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instrument of similar make, accuracy and performance of same series with maximum capacity upto 50 kg. and with number of verification scale interval (n) in the range of 100 to 10,000 for 'e' value of 100 mg. to 2g. and with the number of verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5g. or more and with 'e' value 1×10^k , 2×10^k , or 5×10^k , k being a positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

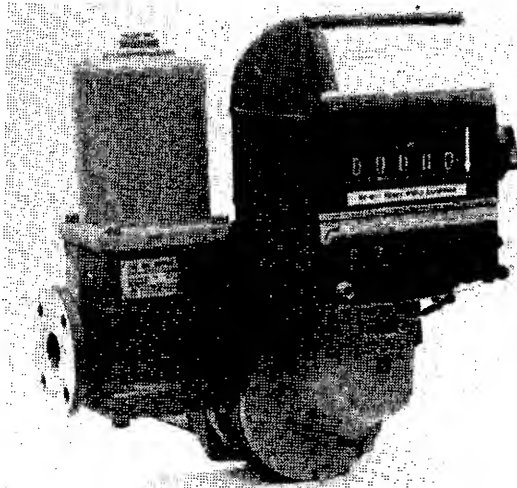
[F. No. WM-21(10)/2005]

P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 5 जनवरी, 2006

का.आ. 318.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा थिसीकलीश टेक्नीस्के बडेसेन्टालट ब्रानस्वींग और बर्लिन, जर्मनी (पी टी बी) जारी अनुमोदित प्रमाण पत्र उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की उप-धारा 3 के परन्तुक 3 और धारा 36 की उपधारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स इसाइल इमपिआन्टी स्पा-24061 अलबानो एस., एलैक्सान्ड्रो (बीजी), 74 वाया मडोना डेले रोस, इटली द्वारा निर्मित और भारत में हीरो स० चन्दवानी, नं० 301, श्रद्धा टावर, आशा नगर, अली यावर जंग मार्ग के साथ, कान्डीवाली (पूर्व), मुंबई-400101 द्वारा विपणित “एस बी एम-75” श्रृंखला के फ्लो मीटर (द्रव जल से भिन्न के लिए मीटर) के मॉडल का और जिसे अनुमोदन चिह्न आई एन डी/13/2004/322 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है।



उक्त मॉडल एक धनात्मक विस्थापन प्रवाह मीटर है जिसका अभिहित व्यास 50 मिमि. और अभिहित दबाव पर मापन चैम्बर का आयतन 0.625 लीटर 20 बार के है। मापन चैम्बर से घूमण चलन का प्रेषण ग्लंड से सज्जित शाफ्ट द्वारा किया जाएगा या चुम्बकीय युग्म द्वारा किया जाएगा। काउण्टर एक रोलर जो शून्य से प्रदर्शक है और प्रथम गणना तत्व में करने वाली युक्ति की घूमन मूल्य 10 लीटर या 100 लीटर है। मीटर का प्रयोग ऐसे द्रवों को मापने में होता है जिनकी श्यानता रेंज 0.3 एमपीए-एस से 17 एमपीए-एस है। प्रवाह रेंज 40 लीटर प्रतिमिनट से 500 लीटर प्रतिमिनट है।

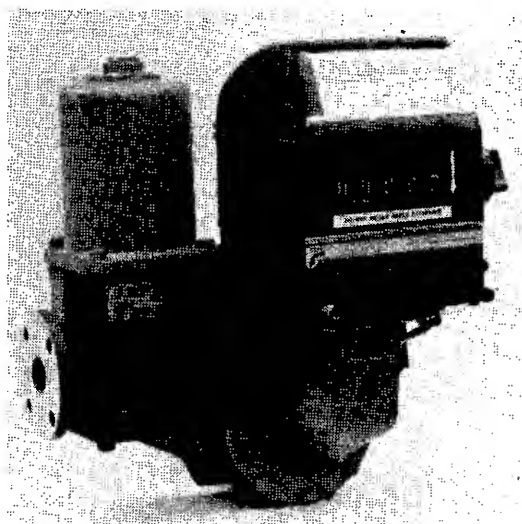
[फा. सं. डब्ल्यू एम-21(131)/2004]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 5th January, 2006

S.O. 318.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, along with the model approval certificate issued by the Physikalisch Technische Bundesanstalt, Braunschweig and Berlin, Germany (PTB) is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by the third proviso to sub-section (3) and sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby approves, issues and publishes the certificate of approval of the model of, Flow meter (meters for liquids-other than water) of series SBM 75, manufactured by M/s. Isoil Impianti Spa-24061 Albano S. Alessaandro (BG), 74, via Madonna delle Rose, Italy, and marketed in India by Hiro S. Chandwani, No. 301, ShradhaTower, Asha Nagar, Off Ali Yavar Jung Marg, Kandivali (East), Mumbai-400 101 and which is assigned the approval mark IND/13/2004/322;



The said model is a positive displacement Flow Meter having nominal diameter 50 mm. and measuring chamber volume 0.625 litres at nominal pressure of 20 bar. The transmission of the rotary movement from the measuring chamber is performed either by a shaft equipped with a gland or by a magnetic coupling. The counter is a roller indicator with zeroing and totalizing device-rotating value of the first count element is 10 litres or 100 litres. The meter is used for measuring liquids having viscosity range of 0.3 mPa-s to 17mPa-s. The rate of flow range is from 40 litres per minute to 500 litres per minute.

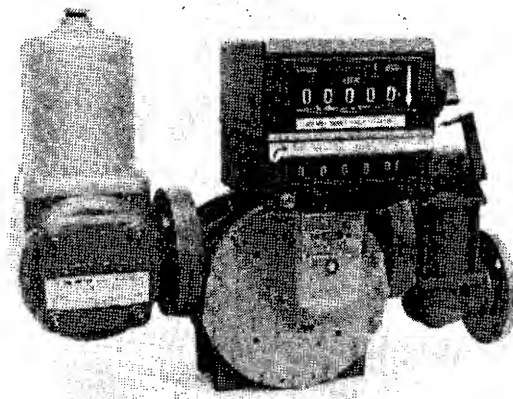
[F. No. WM-21(131)/2004]

P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 5 जनवरी, 2006

का.आ. 319.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा थिसीकलीश टेक्नीस्के बडेसेन्टालट ब्रानस्वॉग और बर्लिन, जर्मनी (पी टी बी) जारी अनुमोदित प्रमाण पत्र उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की उप-धारा 3 के परन्तुक (3) और धारा 36 की उप-धारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स इसाइल इमपिआन्टी स्पा-24061 अलबानो एस., एलैक्सान्द्रो (बी जी), 74 वाया मडोना डेले रोस, इटली द्वारा निर्मित और भारत में हीरो स० चन्दवानी, नं० 301, श्रद्धा टावर, आशा नगर, अली यावर जंग मार्ग के साथ, कान्डीवाली (पूर्व), मुंबई-400101 द्वारा विपणित "एस बी एम-150" श्रृंखला के फ्लो मीटर (द्रव जल से भिन्न के लिए मीटर) के मॉडल का और जिसे अनुमोदन चिह्न आई एन डी/13/2004/323 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है।



उक्त मॉडल एक धनात्मक विस्थापन प्रवाह मीटर है जिसका अभिहित व्यास 80 मिमि. और 10 बार के दबाव पर मापन चैम्बर का आयतन 2,033 लीटर है। पारेषण तत्व, घर्पण चक्र और अंतरीय गेयर युक्ति पर यांत्रिकी के समुच्चय द्वारा दिए गए निरन्तर अंतर सहित यांत्रिकी से मिल कर बना है। काउण्टर एक 5 तत्व ओर शून्य से युक्ति सहित गेलर सूचक है और पहले ड्रम के और उन ड्रमों सहित जिनका प्रथम ड्रम के न्यूनतम पठन मूल्य 0.1 लीटर और प्रत्येक चक्र पर 10 लीटर मूल्य है। मीटर का प्रयोग ऐसे द्रवों को मापने में होता है जिसका श्यानता रेंज 0.3 एमपीए-एस से 17 एमपीए-एस है। प्रवाह रेंज 100 लीटर प्रतिमिनट से 1300 लीटर प्रतिमिनट है।

[फा. सं. डब्ल्यू एम-21(131)/2004]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 5th January, 2006

S.O. 319.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, along with the model approval certificate issued by the Physikalisch Technische Bundesanstalt, Braunschweig and Berlin, Germany (PTB) is satisfied that the Model described in the said report (see the figure given below), is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by the third proviso to sub-section (3) and sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby approves, issues and publishes the certificate of approval of the model of Flow meter (meters for liquids-other than water) of series SBM 150, manufactured by M/s. Isoil Impianti Spa-24061 Albano S. Alessaandro (BG), 74, via Madonna delle Rose, Italy, and marketed in India by M/s. Hiro S. Chandwani, No. 301, ShradhaTower, Asha Nagar, Off Ali Yavar Jung Marg, Kandivali (East), Mumbai-400 101 and which is assigned the approval mark IND/13/2004/323;



The said model is a positive displacement Flow Meter having nominal diameter 80 mm. and measuring chamber volume 2,033 litres at nominal pressure of 10 bar. The transmission element consists of a mechanism with continue variation made by a combination of a mechanism at friction wheels and a differential gear device. The counter is a roller indicator with 5 element and zeroing device and with drums-minimum reading value of the first drum is 0.1 litres and value at each rotation is 10 litres. The meter is used for measuring liquids having viscosity range of 0.3 mPa-s to 17mPa-s. The rate of flow range is from 100 litres per minute to 1300 litres per minute.

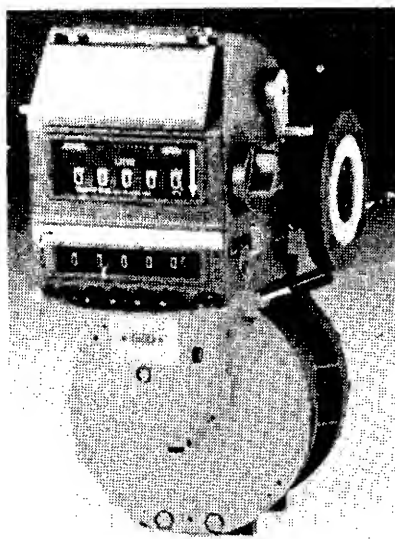
[F. No. WM-21(131)/2004]

P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 5 जनवरी, 2006

का.आ. 320.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा थिसीकलीश टेक्नीस्के बडेसेन्टालट ब्रानस्वींग और बर्लिन, जर्मनी (पी टी बी) जारी अनुमोदित प्रमाण-पत्र उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की उपधारा 3 के परन्तुक (3) और धारा 36 की उपधारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स इसाइल अमपिआन्टी स्पा-24061 अलबानो एस., एलैक्सान्ड्रो (बी जी), 74 वाया मडोना डेले रोस, इटली द्वारा निर्मित और भारत में हीरो स० चन्दवानी, नं० 301, श्रद्धा टावर, आशा नगर, अली जावर जंग मार्ग के साथ, कान्डीवाली (पूर्व), मुंबई-400101 द्वारा विपणित “बी एम-200” श्रृंखला के फ्लो मीटर (द्रव जल से भिन्न के लिए मीटर) के मॉडल का और जिसे अनुमोदन चिह्न आई एन डी/13/2004/324 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है।



उक्त मॉडल एक धनात्मक विस्थापन प्रवाह मीटर है जिसका अभिहित व्यास 80 मिमि. और अभिहित दबाव पर मापन चैम्बर का आयतन 2275 लीटर 20 बार के हैं। मापन चैम्बर से घूमण चलन का प्रेषण ग्लंड से सज्जित शाफ्ट द्वारा किया जाएगा या चुम्बकीय युग्म द्वारा किया जाएगा। काउण्टर एक रोलर जो शून्य से प्रदर्शक है और प्रथम गणना तत्व में करने वाली युक्ति की घूमन मूल्य 10 लीटर या 100 लीटर है। मीटर के प्रयोग ऐसे द्रवों को मापने में प्रयोग होता है जिसकी श्यानता रेंज 0.3 एमपीए-एस से 17 एमपीए-एस है। प्रवाह रेंज 100 लीटर प्रतिमिनट से 1300 लीटर प्रतिमिनट है।

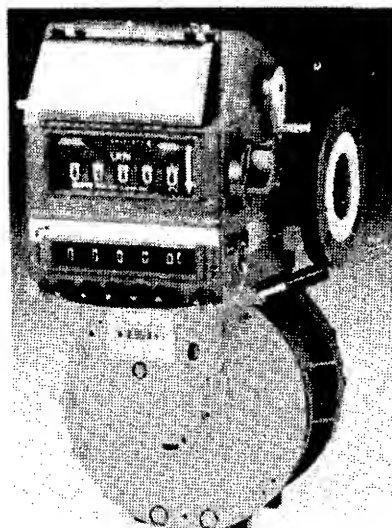
[फा. सं. डब्ल्यू एम-21(131)/2004]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 5th January, 2006

S.O. 320.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, along with the model approval certificate issued by the Physikalisch Technische Bundesanstalt, Braunschweig and Berlin, Germany (PTB) is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions:

Now, therefore, in exercise of the powers conferred by the third proviso to sub section (3) and sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby approves, issues and publishes the certificate of approval of the model of, Flow meter (Meters for liquids-other than water) of series BM 200, manufactured by M/s. Isoil Impianti Spa-24061 Albano S. Alessaandro (BG), 74, via Madonna delle Rose, ITALY, and marketed in India by M/s. Hiro S. Chandwani, No. 301, Shradha Tower, Asha Nagar, Off Ali Yavar Jung Marg, Kandivali (East), Mumbai-400 101 and which is assigned the approval mark IND/13/2004/324;



The said model is a positive displacement Flow Meter having nominal diameter 80 mm. and measuring chamber volume 2275 litres at nominal pressure of 20 bar. The transmission of the rotary movement from the measuring chamber is performed either by a shaft equipped with a gland or by a magnetic coupling. The counter is a roller indicator with zeroing and totalizing device-rotating value of the first count element is 10 litres or 100 litres. The meter is used for measuring liquids having viscosity range of 0.3 mPa-s to 17 mPa-s. The rate of flow range is from 100 litres per minute to 1300 litres per minute.

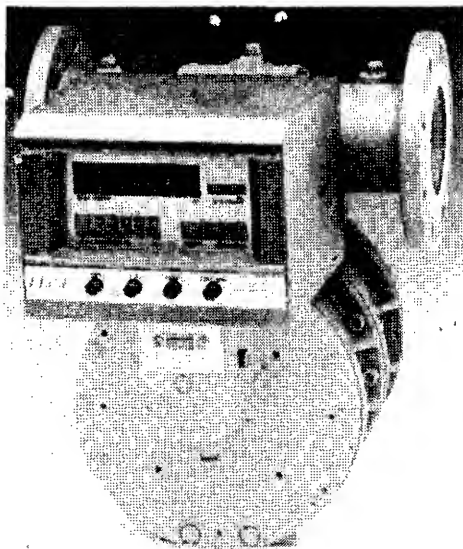
[F. No. WM-21(131)/2004]

P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 5 जनवरी, 2006

का.आ. 321.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा थिसीकलीश टेक्नीस्के बडेसेन्यालट ब्रानस्वींग और बर्लिन, जर्मनी (पी टी बी) जारी अनुमोदित प्रमाण-पत्र उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब केन्द्रीय सरकार, उक्त अधिनियम उपधारा 3 के परन्तुक (3) और धारा 36 की उपधारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स इसाइल अमपिआन्टी स्पा-24061 अलबानो एस., एलैक्सान्ड्रो (बीजी), 74 वाया मडोना डेले रोस, इटली द्वारा निर्मित और भारत में हीरो स० चन्दवानी, नं० 301, श्रद्धा टावर, आशा नगर, अली यावर जंग मार्ग के साथ, कान्डीवाली (पूर्व), मुंबई-400101 द्वारा विपणित "बी एम-400" शृंखला के फ्लो मीटर (द्रव जल से भिन्न के लिए मीटर) के मॉडल का और जिसे अनुमोदन चिह्न आई एन डी/09/2004/325 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है।



उक्त मॉडल एक धनात्मक विस्थापन प्रवाह मीटर है जिसका अभिहित व्यास 80 मिमि. और अभिहित दबाव पर मापन चैम्बर का आयतन 455 लीटर 20 बार के है। मापन चैम्बर से घूमण चलन का प्रेषण ग्लंड से सज्जित शाफ्ट द्वारा किया जाएगा या चुम्बकीय युग्म द्वारा किया जाएगा। काउण्टर एक रोलन जो शून्य से प्रदर्शक है और प्रथम गणना तत्व में करने वाली युक्ति की घूमन मूल्य 10 लीटर या 100 लीटर है। मीटर के प्रयोग ऐसे द्रवों को मापने में प्रयोग होता है जिसकी श्यानता रेंज 0.3 एमपीए-एस से 17 एमपीए-एस है। प्रवाह रेंज 200 लीटर प्रतिमिनट से 2200 लीटर प्रतिमिनट है।

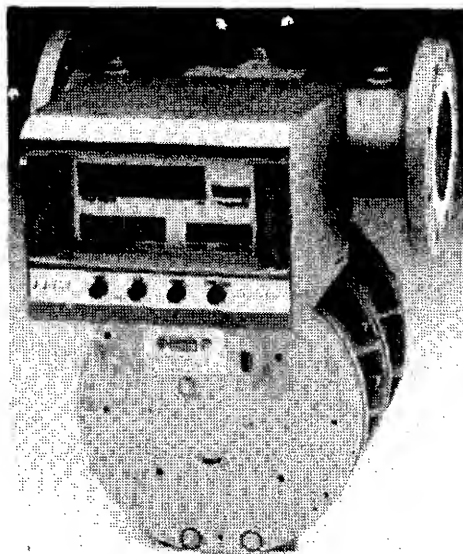
[फा. सं. डब्ल्यू एम-21(131)/2004]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 5th January, 2006

S.O. 321.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, along with the Model approval certificate issued by the Physikalisch Technische Bundesanstalt, Braunschweig and Berlin, Germany (PTB) is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by the third proviso to sub-section (3) and sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby approves issues and publishes the certificate of approval of Model of Flow meter (Meters for liquids-other than water) of series BM 400, manufactured by M/s. Isoil Impianti Spa-24061 Albano S. Alessaandro (BG), 74, via Madonna delle Rose, ITALY, and marketed in India by M/s. Hiro S. Chandwani, No. 301, Shradha Tower, Asha Nagar, Off Ali Yavar Jung Marg, Kandivali (East), Mumbai-400 101 and which is assigned the approval mark IND/13/2004/325;



The said Model is a positive displacement Flow Meter having nominal diameter 80 mm and measuring chamber volume 455 litres at nominal pressure of 20 bar. The transmission of the rotary movement from the measuring chamber is performed either by a shaft equipped with a gland or by a magnetic coupling. The counter is a roller indicator with zeroing and totalizing device-rotating value of the first count element is 10 litres or 100 litres. The meter is used for measuring liquids having viscosity range of 0.3 mPa-s to 17mPa-s. The rate of flow range is from 200 litres per minute to 2200 litres per minute.

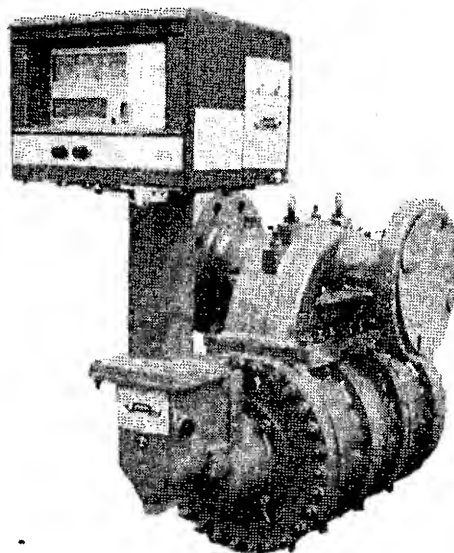
[F. No. WM-21(131)/2004]

P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 5 जनवरी, 2006

का.आ. 322.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा थिसीकलीश टेक्नीस्के बडेसेन्टालट ब्रास्वींग और बर्लिन, जर्मनी (पी टी बी) जारी अनुमोदित प्रमाण-पत्र उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब केन्द्रीय सरकार, उक्त अधिनियम की उपधारा 3 के परंतुक (3) और धारा 36 की उपधारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स इसाइल अमपिआन्टी स्पा-14061 अलबानो एस., एलैक्सान्ड्रो (बीजी), 74 वाया मडोना डेले रोस, इटली द्वारा निर्मित और भारत में हीरो स० चन्दवानी, नं० 301, श्रद्धा टावर, आशा नगर, अली जावर जंग मार्ग के साथ, कान्डीवाली (पूर्व), मुंबई-400101 द्वारा विपणित "बी एम-600" श्रृंखला के फ्लो मीटर (द्रव जल से भिन्न के लिए मीटर) के मॉडल का और जिसे अनुमोदन चिह्न आई एन डी/13/04/326 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है।



उक्त मॉडल एक धनात्मक विस्थापन प्रवाह मीटर है जिसका अभिहित व्यास 150 मिमि. और अभिहित दबाव पर मापन चेम्बर का आयतन 6825 लीटर 20 बार के है। मापन चेम्बर से घूमण चलन का प्रेषण ग्लंड से सज्जित शाफ्ट द्वारा किया जाएगा या चुम्बकीय युग्म द्वारा किया जाएगा। काउण्टर एक रोलन जो शून्य से प्रदर्शक है और प्रथम गणना तत्व में करने वाली युक्ति की घूमन मूल्य 100 लीटर या 1000 लीटर है। मीटर के प्रयोग ऐसे द्रवों को मापने में प्रयोग होता है जिसकी श्यानता रेंज 0.3 एमपीए-एस से 17 एमपीए-एस है। प्रवाह रेंज 300 लीटर प्रतिमिनट से 3400 लीटर प्रतिमिनट है।

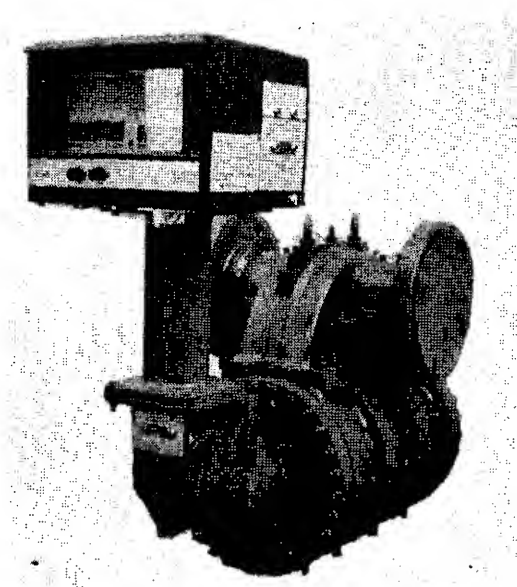
[फा. सं. डब्ल्यू एम-21(131)/2004]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 5th January, 2006

S.O. 322.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, along with the model approval certificate issued by the Physikalisch Technische Bundesanstalt, Braunschweig and Berlin, Germany (PTB) is satisfied that the Model described in the said report (see the figure given below) is, in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by the third proviso to sub section (3) and sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby approves, issues and publishes the certificate of approval of the model of Flow meter (meters for liquids-other than water) of series BM 600, manufactured by M/s. Isoil Impianti Spa-24061 Albano S. Alessaandro (BG), 74, via Madonna delle Rose, Italy, and marketed in India by Hiro S. Chandwani, No. 301, Shradha Tower, Asha Nagar, Off Ali Yavar Jung Marg, Kandivali (East), Mumbai-400 101 and which is assigned the approval mark IND/13/2004/326;



The said model is a positive displacement Flow Meter having nominal diameter 150 mm and measuring chamber volume 6825 litres at nominal pressure of 20 bar. The transmission of the rotary movement from the measuring chamber is performed either by a shaft equipped with a gland or by a magnetic coupling. The counter is a roller indicator with zeroing and totalizing device-rotating value of the first count element is 100 litres or 1000 litres. The meter is used for measuring liquids having viscosity range of 0.3 mPa-s to 17mPa-s. The rate of flow range is from 300 litres per minute to 3400 litres per minute.

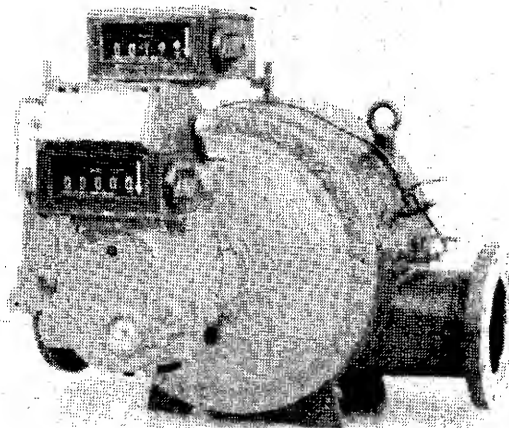
[F. No. WM-21(131)/2004]

P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 5 जनवरी, 2006

का.आ. 323.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा थिसीकलीश टेक्नीस्के बडेसेन्टालट ब्रानस्वींग और बर्लिन, जर्मनी (पी टी बी) जारी अनुमोदित प्रमाण-पत्र उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब केन्द्रीय सरकार, उक्त अधिनियम की उपधारा 3 के परन्तुक (3) और धारा 36 की उपधारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स इसाइल अमपिआन्टी स्पा-24061 अलबानो एस., एलैक्सान्ड्रो (बीजी), 74 वाया मडोना डेले रोस, इटली द्वारा निर्मित और भारत में हीरो स० चन्दवानी, नं० 301, श्रद्धा टावर, आशा नगर, अली जावर जंग मार्ग के साथ, कान्डीवाली (पूर्व), मुंबई-400101 द्वारा विपणित “एल बी एम-1000” श्रृंखला के फ्लो मीटर (द्रव जल से भिन्न के लिए मीटर) के मॉडल का और जिसे अनुमोदन चिह्न आई एन डी/09/2004/327 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है।



उक्त मॉडल एक धनात्मक विस्थापन प्रवाह मीटर है जिसका अभिहित व्यास 200 मिमि. और अभिहित दबाव पर मापन चैम्बर का आयतन 1477 लीटर 20 बार के है। मापन चैम्बर से घूमण चलन का प्रेषण ग्लंड से सज्जित शाफ्ट द्वारा किया जाएगा या चुम्बकीय युग्म द्वारा किया जाएगा। काउण्टर एक रोलन जो शून्य से प्रदर्शक है और प्रथम गणना तत्व में करने वाली युक्ति की घूमन मूल्य 100 लीटर या 1000 लीटर है। मीटर के प्रयोग ऐसे द्रवों को मापने में प्रयोग होता है जिसकी श्यानता रेंज 0.3 एमपीए-एस से 17 एमपीए-एस है। प्रवाह रेंज 700 लीटर प्रतिमिनट से 7500 लीटर प्रतिमिनट है।

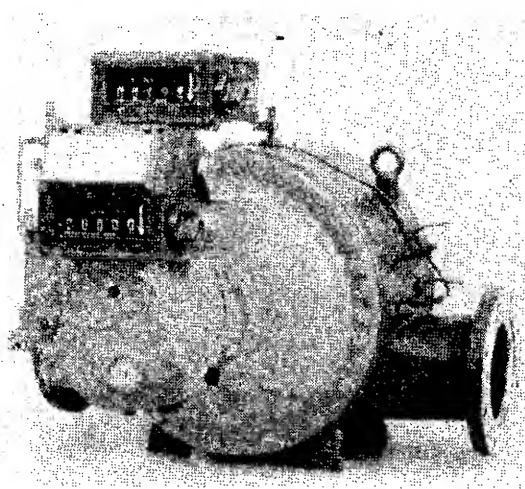
[फा. सं. डब्ल्यू एम-21(131)/2004]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 5th January, 2006

S.O. 323.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority along with the model approval certificate issued by the Physikalisch Technische Bundesanstalt, Braunschweig and Berlin, Germany (PTB) is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by the third proviso to sub section (3) and sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby approves, issues and publishes the certificate of approval of the Model of Flow meter (meters for liquids-other than water) of series LBM 1000, manufactured by M/s. Isoil Impianti Spa-24061 Albano S. Alessaandro (BG). 74, via Madonna delle Rose, Italy, and marketed in India by Hiro S. Chandwani, No. 301, Shradha Tower, Asha Nagar, Off Ali Yavar Jung Marg, Kandivali (East), Mumbai-400 101 and which is assigned the approval mark IND/13/2004/327;



The said Model is a positive displacement Flow Meter having nominal diameter 200 mm and measuring chamber volume 1477 litres at nominal pressure of 20 bar. The transmission of the rotary movement from the measuring chamber is performed either by a shaft equipped with a gland or by a magnetic coupling. The counter is a rotary indicator with zeroing and totalizing device-rotating value of the first count element is 100 litres or 1000 litres. The meter is used for measuring liquids having viscosity range of 0.3 mPa-s to 17mPa-s. The rate of flow range is from 1 litre per minute to 7500 litres per minute.

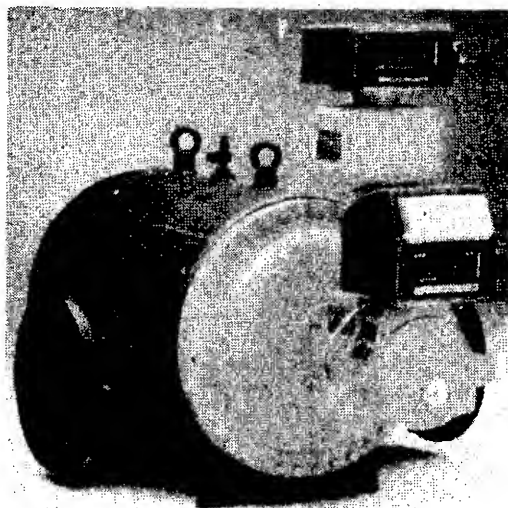
[F. No. WM-21(131)/2006]

P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 5 जनवरी, 2006

का.आ. 324.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा थिसीकलीश टेक्नीस्के बडेसेन्टालट ब्रानस्वींग और बर्लिन, जर्मनी (पी टी बी) जारी अनुमोदित प्रमाण-पत्र उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप हैं और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब केन्द्रीय सरकार, उक्त अधिनियम की उपधारा 3 के परन्तुक (3) और धारा 36 की उपधारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स इसाइल अमपिआन्टी स्पा-24061 अलबानो एस., एलैक्सान्ड्रो (बीजी), 74 वाया मडोना डेले रोस, इटली द्वारा निर्मित और भारत में हीरो स० चन्दवानी, नं० 301, श्रद्धा टावर, आशा नगर, अली जावर जंग मार्ग के साथ, कान्डीवाली (पूर्व), मुंबई-400101 द्वारा विपणित “एल बी एम-3000” श्रृंखला के फ्लो मीटर (द्रव जल से भिन्न के लिए मीटर) के मॉडल का और जिसे अनुमोदन चिह्न आई एन डी/09/2004/328 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है।



उक्त मॉडल एक धनात्मक विस्थापन प्रवाह मीटर है जिसका अभिहित व्यास 250 मिमि. और अभिहित दबाव पर मापन चैम्बर का आयतन 2955 लीटर 20 बार के है। मापन चैम्बर से घूमण चलन का प्रेषण ग्लंड से सज्जित शाफ्ट द्वारा किया जाएगा या चुम्बकीय युग्म द्वारा किया जाएगा। काउण्टर एक रोलर जो शून्य से प्रदर्शक है और प्रथम गणना तत्व में करने वाली युक्ति की घूमन मूल्य 100 लीटर या 1000 लीटर है। मीटर के प्रयोग ऐसे द्रवों को मापने में प्रयोग होता है जिसकी श्यानता रेंज 0.3 एमपीए-एस से 17 एमपीए-एस है। प्रवाह रेंज 1000 लीटर प्रति मिनट से 15000 लीटर प्रति मिनट है।

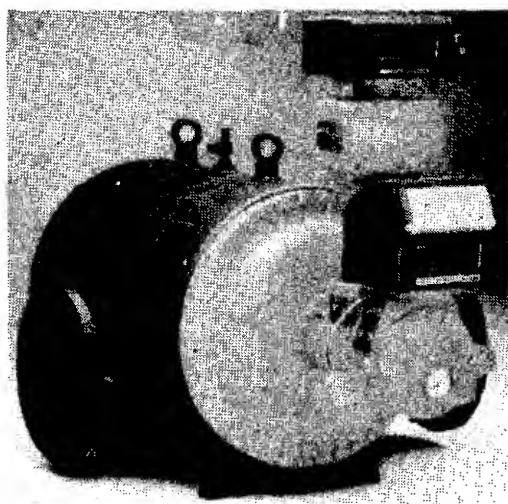
[फा. सं. डब्ल्यू एम-21(131)/2004]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 5th January, 2006

S.O. 324 .—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, along with the model approval certificate issued by the Physikalisch Technische Bundesanstalt, Braunschweig and Berlin, Germany (PTB) is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by the third proviso to sub-section (3) and sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby approves issues and publishes the certificate of approval of the Model of Flow meter (Meters for liquids other than water) of series LBM 3000, manufactured by M/s. Isoil Impianti Spa-24061 Albano S. Alessaandro (BG), 74, via Madonna delle Rose, Italy, and marketed in India by Hiro S. Chandwani, No. 301, Shradha Tower, Asha Nagar, Off Ali Yavar Jung Marg, Kandivali (East), Mumbai-400 101 and which is assigned the approval mark IND/09/2004/328;



The said Model is a positive displacement Flow Meter having nominal diameter 250 mm and measuring chamber volume 2955 litres at nominal pressure of 20 bar. The transmission of the rotary movement from the measuring chamber is performed either by a shaft equipped with a gland or by a magnetic coupling. The counter is a roller indicator with zeroing and totalizing device-rotating value of the first count element is 100 litres or 1000 litres. The meter is used for measuring liquids having viscosity range of 0.3 mPa-s to 17mPa-s. The rate of flow range is from 1000 litres per minute to 15000 litres per minute.

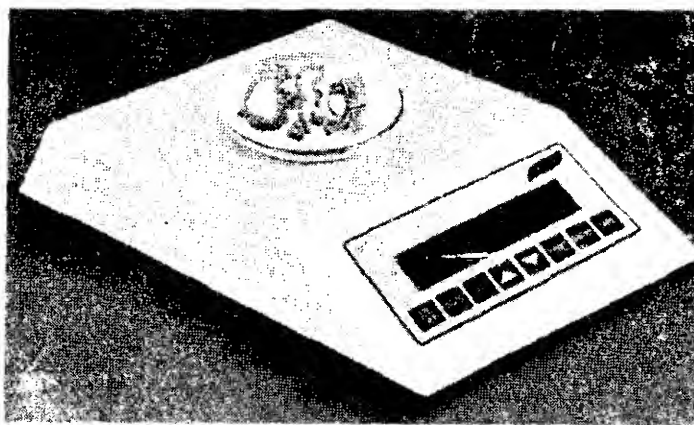
[F. No. WM-21(131)/2004]

P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 6 जनवरी, 2006

का.आ. 325.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स काल-वन-स्कैल्स, 16-48 सी, प्रशांत नगर, लिटिल फ्लावर जूनियर कालेज के पीछे, उप्पल, हैदराबाद-500039, आंध्र प्रदेश द्वारा निर्मित उच्च यथार्थता (यथार्थता वर्ग-II) वाले "सी ई-माइक्रो" श्रृंखला के अंकक सूचन सहित अस्वचालित तोलन उपकरण (टेबल टॉप प्रकार) के मॉडल का, जिसके ब्रांड का नाम "काल-वन" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/05/937 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है।



उक्त मॉडल (नीचे दी गई आकृति देखें) एक विकृत गैज प्रकार का भार सेल आधारित अस्वचालित (टेबल टॉप-प्रकार का) तोलन उपकरण है। इसकी अधिकतम क्षमता 300 ग्रा. और न्यूनतम क्षमता 200 मि.ग्रा. है। सत्यापन मापमान अंतराल (ई) 10 मि.ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत पर कार्य करता है।

स्टाम्पिंग प्लेट को मुद्रांकित करने के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोलने से रोकने के लिए सीलबंद भी किया जाएगा।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धान्त, डिजाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित मॉडल का निर्माण किया गया है, विनिर्मित उसी श्रृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 1 मि.ग्रा. से 50 ग्रा. तक "ई" मान के लिए 100 से 50,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) और 100 मि.ग्रा. या उससे अधिक के "ई" मान के लिए 5000 से 50,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) सहित 50 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और "ई" 1×10^{-6} , 2×10^{-6} या 5×10^{-6} , के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

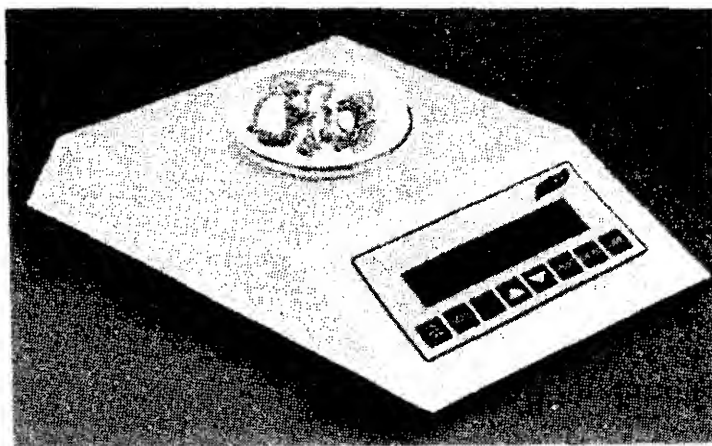
[फा. सं. डब्ल्यू एम-21(266)/2005]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 6th January, 2006

S.O. 325.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of, non-automatic weighing instrument (table top type) with digital indication of "CE-MICRO" series of high accuracy (Accuracy class-II) and with brand name "CAL-ONE" (hereinafter referred to as the said Model), manufactured by M/s. Cal-one Scales, 16-48C, Prasant Nagar, Behind Little Flower Junior College, Uppal, Hyderabad-500039, Andhra Pradesh and * which is assigned the approval mark IND/09/05/937;



The said model is a strain gauge type load cell based non-automatic weighing instrument (Table top type) with maximum capacity of 300g and minimum capacity of 200 mg. The verification scale interval (e) is 10mg. It has a tare device with a 100 per cent subtractive retained tare effect. The light emitting diode (LED) display indicates the weighing result. The instrument operates on 230 Volts, 50 Hertz alternate current power supply;

In addition to sealing the stamping plate, sealing shall also be done to prevent from opening of the machine for fraudulent practices.

Further, in exercise of the powers conferred by Sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity upto 50 kg and with number of verification scale interval (n) in the range of 100 to 50,000 for 'e' value of 1mg to 50mg and with verification scale interval (n) in the range of 5000 to 50,000 for 'e' value of 100mg. or more and with 'e' value 1×10^k , 2×10^k , or 5×10^k , k being the positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

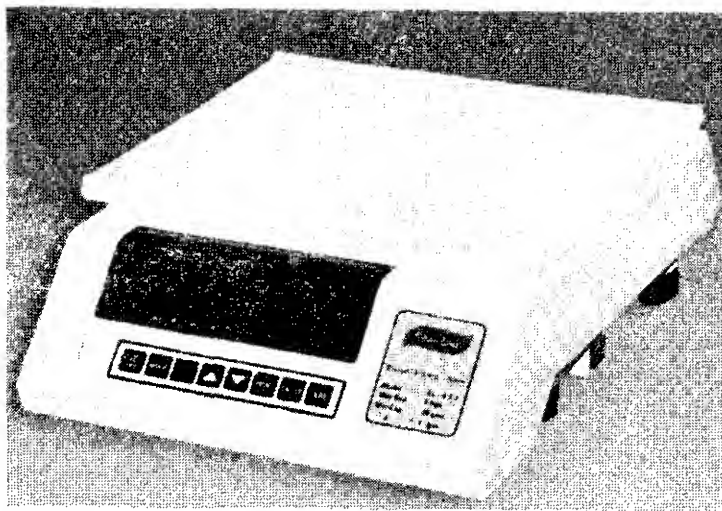
[F. No. WM-21(266)/2005]

P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 6 जनवरी, 2006

का.आ. 326.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) वाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा वाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप हैं और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, मैसर्स काल-वन-स्केल्स, 16—48 सी, प्रशांत नगर, लिटिल फ्लावर जूनियर कालेज के पीछे, उप्पल, हैदराबाद-500039 आंध्र प्रदेश द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग-III) वाले “सी ई” श्रृंखला के अंकक सूचन सहित, अस्वचालित, तोलन उपकरण (टेबल टॉप प्रकार) के मॉडल का, जिसके ब्रांड का नाम “काल-वन” है (जिसे इसके इसमें पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2005/938 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है।



उक्त मॉडल (नीचे दी गई आकृति देखें) एक विकृत गेज प्रकार का भार सेल आधारित अस्वचालित (टेबल टॉप प्रकार का) तोलन उपकरण है। इसकी अधिकतम क्षमता 30 कि. ग्रा. और न्यूनतम क्षमता 100 ग्राम है। सत्यापन मापमान अंतराल (ई) 5 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत पर कार्य करता है।

स्टाम्पिंग प्लेट के मुद्रांकन के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोलने से रोकने के लिए सीलबंद भी किया जाएगा।

और, केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धान्त, डिजाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित मॉडल का निर्माण किया गया है, विनिर्मित उसी श्रृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 100 मि. ग्रा. से 2 ग्रा. तक “ई” मान के लिए 100 से 10,000 तक की रेंज में सत्यापन अंतराल (एन) और 5 ग्रा. या उससे अधिक के “ई” मान के लिए 500 से 10,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) सहित 50 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और “ई” मान के लिए 1×10^{-6} , 2×10^{-6} या 5×10^{-6} , के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

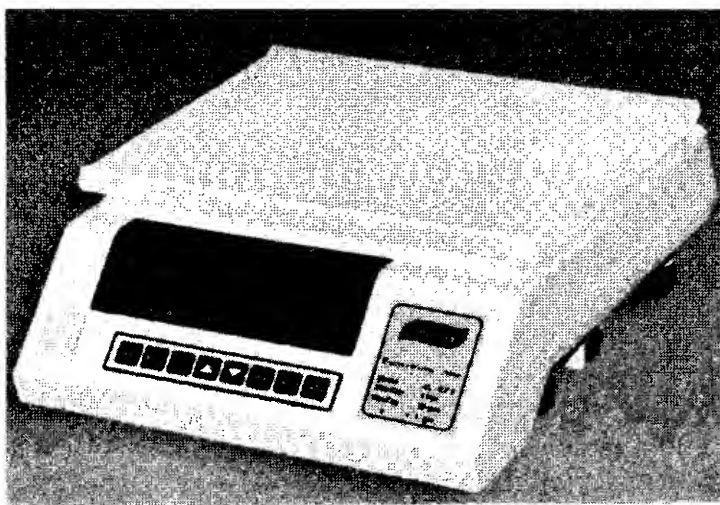
[फा. सं. डब्ल्यू एम-21(266)/2005]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 6th January, 2006

S.O. 326.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic weighing instrument (Table top type) with digital indication of "CE" series of medium accuracy (Accuracy class-III) and with brand name "Cal-One" (hereinafter referred to as the said Model), manufactured by M/s. Cal-One Scales, 16-48C, Prasant Nagar, Behind Little Flower Junior College, Uppal, Hyderabad-500039, Andhra Pradesh and which is assigned the approval mark IND/09/05/938;



The said Model is strain gauge type load cell based non-automatic weighing instrument (Table top type) with a maximum capacity of 30 kg. and minimum capacity of 100g. The verification scale interval (e) is 5g. It has a tare device with a 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) indicates the weighing results. The instrument operates on 230 Volts and 50 Hertz alternative current power supply.

In addition to sealing the stamping plate, sealing shall also be done to prevent the opening of the machine for fraudulent practices.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said Model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity up to 50kg. with verification scale interval (n) in the range of 100 to 10,000 for 'e' value of 100mg. to 2g. and with verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5g. or more and with 'e' value of 1×10^k , 2×10^k , or 5×10^k , where k is a positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

[F. No. WM-21(266)/2005]

P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 6 जनवरी, 2006

का.आ. 327.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, मैसर्स काल-वन-स्केल्स, 16—48 सी, प्रशांत नगर, लिटिल फ्लावर जूनियर कालेज के पीछे, उप्पल, हैदराबाद-500039 आंध्र प्रदेश द्वारा विनिर्मित उच्च यथार्थता (यथार्थता वर्ग-II) वाले “सी ई-बैंच” शृंखला के अंकक सूचन सहित, अस्वचालित, तोलन उपकरण (टेबल टॉप प्रकार) के मॉडल का, जिसके ब्रांड का नाम “काल-वन” है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2005/940 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है।



उक्त मॉडल (नीचे दी गई आकृति देखें) एक विकृत गेज प्रकार का भार सेल आधारित अस्वचालित (टेबल टॉप प्रकार का) तोलन उपकरण है। इसकी अधिकतम क्षमता 75 कि. ग्रा. और न्यूनतम क्षमता 250 ग्रा. है। सत्यापन मापमान अंतराल (ई) 5 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती भारा विद्युत पर कार्य करता है।

स्टाम्पिंग प्लेट के मुद्रांकन के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोलने से रोकने के लिए सीलबंद भी किया जाएगा।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धान्त, डिजाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित मॉडल का निर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 100 मि. ग्रा. या उससे अधिक के “ई” मान के लिए 5,000 से 50,000 तक की रेंज में सत्यापन अंतराल (एन) सहित 50 कि. ग्रा. से अधिक और 300 कि. ग्रा. तक की अधिकतम क्षमता वाले हैं और “ई” मान 1×10^3 , 2×10^3 या 5×10^3 के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

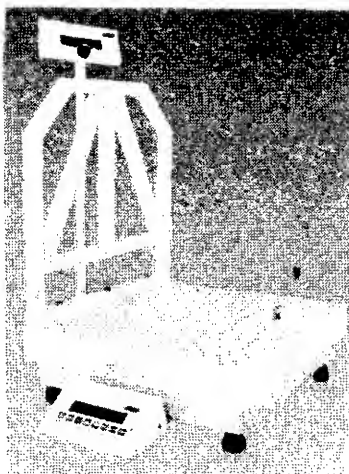
[फा. सं. डब्ल्यू एम-21(266)/2005]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 6th January, 2006

S.O. 327.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic weighing instrument (Table top type) with digital indication of "CE-Bench" series of high accuracy (Accuracy class-II) and with brand name "Cal-One" (hereinafter referred to as the said Model), manufactured by M/s. Cal-One Scales, 16-48C, Prasant Nagar, Behind Little Flower Junior College, Uppal, Hyderabad-500039, Andhra Pradesh and which is assigned the approval mark IND/09/05/940;



The said model is strain gauge type load cell based non-automatic weighing instrument (Table top type) with a maximum capacity of 75 kg. and minimum capacity of 250g. The verification scale interval (e) is 5g. It has a tare device with a 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) indicates the weighing results. The instrument operates on 230 Volts and 50 Hertz alternative current power supply.

In addition to sealing the stamping plate, sealing shall also be done to prevent opening of the machine for fraudulent practices.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said Model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity above 50kg. and up to 300 kg. with verification scale interval (n) in the range of 5,000 to 50,000 for 'e' value of 100mg. or more and with 'c' value of 1×10^k , 2×10^k , or 5×10^k , where k is a positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

[F. No. WM-21(266)/2005]

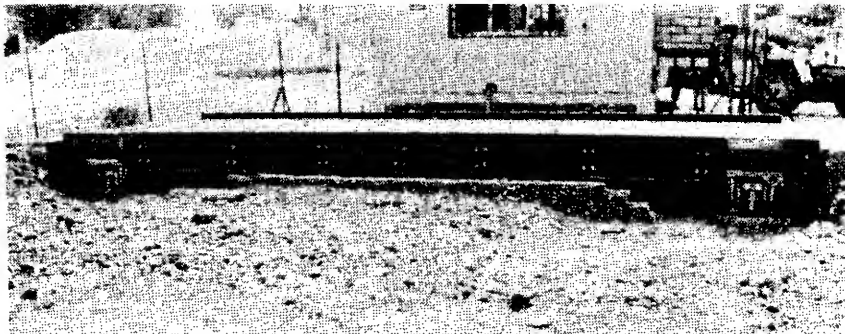
P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 10 जनवरी, 2006

का.आ. 328.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और उप-धारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, मैसर्स मारुति इंस्ट्रुमेंट्स कम्पनी, 59/201, आनन्द नगर, श्यामल क्रॉस रोड, सैटेलाइट, अहमदाबाद-51, गुजरात द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग-III) वाले “एम आर डब्ल्यू” शृंखला के अंकक सूचन सहित, अस्वचालित, तोलन उपकरण (वेहब्रिज प्रकार) के मॉडल का, जिसके ब्रांड का नाम “मारुति” है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2005/1063 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है;

उक्त मॉडल (नीचे दी गई आकृति देखें) एक भार सेल आधारित तोलन उपकरण है। इसकी अधिकतम क्षमता 40000 कि. ग्रा. है और न्यूनतम क्षमता 100 कि.ग्रा. है। सत्यापन मापमान अन्तराल (ई) 5 कि.ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत पर कार्य करता है।



स्टाम्पिंग प्लेट के मुद्रांकन के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोलने से रोकने के लिए सीलबंद भी किया जाएगा।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धान्त, डिजाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित मॉडल का निर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 5 कि.ग्रा. या उससे अधिक के “ई” मान के लिए 500 से 10,000 तक की रेंज में सत्यापन अंतराल (एन) सहित 5 टन से अधिक और 100 टन तक की अधिकतम क्षमता वाले हैं और “ई” मान $1 \times 10^*$, $2 \times 10^*$ या $5 \times 10^*$, के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम-21(219)/2004]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 10th January, 2006

S.O. 328.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic weighing instrument (Weighbridge type) with digital indication of medium accuracy (Accuracy class-III) and brand "MARUTI" and series "MRW" (hereinafter referred to as the said model), manufactured by M/s. Maruti Instruments Company, 59/201, Anand Nagar, Nr. Shyamal Cross Road, Satellite, Ahmedabad-51, Gujarat and which is assigned the approval mark IND/09/05/1063;

The said model (see the figure given below) is a load cell based weighing instrument with a maximum capacity of 40000 kg and minimum capacity of 100 kg. The verification scale interval (e) is 5 kg. It has a tare device with 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) display indicates the weighing result. The instrument operates on 230 Volts and 50 Hertz alternate current power supply.



In addition to sealing the stamping plate, sealing shall also be done to prevent opening of the machine for fraudulent practices.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said Model shall also cover the weighing instrument of similar make, accuracy and performance of same series with maximum capacity above 5 tonne and up to 100 tonne with verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5 kg or more and with 'e' value 1×10^k , 2×10^k , or 5×10^k , k being the positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved Model have been manufactured.

[F. No. WM-21(219)/2004]

P. A. KRISHNAMOORTHY, Director of Legal Metrology

भारतीय मानक ब्यूरो

नई दिल्ली, 5 जनवरी, 2006

का.आ. 329.—भारतीय मानक ब्यूरो नियम 1987 के नियम 7 के उपनियम (1) के खंड (ख) के अनुसरण में भारतीय मानक ब्यूरो एतद्वारा अधिसूचित करता है कि जिन भारतीय मानकों के विवरण नीचे अनुसूची में दिए गए हैं वे स्थापित हो गए हैं :

अनुसूची

क्रम संख्या	स्थापित भारतीय मानक(कों) की संख्या, वर्ष और शीर्षक	नये भारतीय मानक द्वारा अतिक्रमित भारतीय मानक अथवा मानकों, यदि कोई हो, की संख्या और वर्ष	स्थापित तिथि
(1)	(2)	(3)	(4)
1.	आई एस 630 : 2005 साइकिल की स्पोकें (प्लेन) और स्पोक निपलें—विशिष्ट (तीसरा पुनरीक्षण)	आई एस 630 : 1982	अक्टूबर, 2005
2.	आई एस 1062 : 2005/आई एस ओ 11565 : 1998 सड़क वाहन—स्पार्क प्लग—परीक्षण पद्धति और अपेक्षाएं (दूसरा पुनरीक्षण)	आई एस 1062 : 1963	सितम्बर, 2005
3.	आई एस 8037 : 2005 परिवहन ट्रैक्टर-ट्रेलरों की सामान्य अपेक्षाएं (पहला पुनरीक्षण)	आई एस 8037 : 1976	अक्टूबर, 2005
4.	आई एस 15633 : 2005 स्वचल वाहन-सवारी कारों के लिए वातिल टायर—आड़ी और रेडियल प्लाई—विशिष्ट	आई एस 10914 (भाग 1) : 1991, आई एस 10914 (भाग 3) : 1991, आई एस 10914 (भाग 5) : 1995 और आई एस 12441 (भाग 1) : 1995	दिसम्बर, 2005
5.	आई एस 15636 : 2005 स्वचल वाहन—व्यावसायिक वाहनों के लिए वातिल टायर—आड़ी और रेडियल प्लाई—विशिष्ट	आई एस 10914 (भाग 1) : 1991, आई एस 10914 (भाग 2) : 1992 और आई एस 10914 (भाग 5) : 1995	दिसम्बर, 2005

इस भारतीय मानक की प्रतियां भारतीय मानक ब्यूरो, मानक भवन, 9 बहादुर साह जफर मार्ग, नई दिल्ली-110002, क्षेत्रीय कार्यालयों, नई दिल्ली, कोलकाता, चण्डीगढ़, चेन्नई, मुम्बई तथा शाखा कार्यालयों अहमदाबाद, बंगलौर, भोपाल, भुवनेश्वर, कोयम्बतूर, गुवाहाटी, हैदराबाद, जयपुर, कानपुर, पटना, पूणे तथा तिरुवनन्तापुरम में बिक्री हेतु उपलब्ध हैं।

[संदर्भ : टीईडी/जी-16]

पी. सी. जोशी, निदेशक एवं प्रमुख (टी ई डी)

BUREAU OF INDIAN STANDARDS

New Delhi, the 5th January, 2006

S.O. 329.—In pursuance of clause (b) of sub-rule (1) of Rule 7 of the Bureau of Indian Standards Rules, 1987, the Bureau of Indian Standards hereby notifies that the Indian Standards, particulars of which are given in the Schedule hereto annexed have been established on the date indicated against each :

SCHEDULE

Sl. No.	No., Year and title of the Indian Standards Established	No. and year of Indian Standards, if any, Superseded by the New Indian Standard	Date of Established
(1)	(2)	(3)	(4)
1.	IS 630 : 2005 Bicycle spoke (plain) and nipples for spokes—Specification (Third Revision).	IS 630 : 1982	Oct., 2005
2.	IS 1062 : 2005/ISO 11565 : 1998 Road vehicles—Spark plugs—Test methods and requirements (Second Revision).	IS 1062 : 1963	Sep., 2005
3.	IS 8037 : 2005 General requirements for transport tractor—Trailers (First Revision)	IS 8037 : 1976	Oct., 2005

(1)	(2)	(3)	(4)
4.	IS 15633 : 2005 Automotive vehicles—Pneumatic tyres for passenger car vehicles—Diagonal and radial ply—Specification.	IS 10914 (Part 1) : 1991, IS 10914 (Part 3) : 1991, IS 10914 (Part 5) : 1995 and IS 12441 (Part 1) : 1995	Dec. 2005
5.	IS 15636 : 2005 Automotive vehicles—Pneumatic tyres for commercial vehicles—Diagonal and radial ply—Specification	IS 10914 (Part 1) : 1991, IS 10914 (Part 2) : 1992 and IS 10914 (Part 5) : 1995	Dec., 2005

Copy of this Standard is available for sale with the Bureau of Indian Standards, Manak Bhavan, 9 Bahadur Shah Zafar Marg, New Delhi-110002 and Regional Offices : New Delhi, Kolkata, Chandigarh, Chennai, Mumbai and also Branch Offices : Ahmedabad, Bangalore, Bhopal, Bhubaneswar, Coimbatore, Guwahati, Hyderabad, Jaipur, Kanpur, Nagpur, Patna, Pune, Thiruvananthapuram.

[Ref. TED/G-16]

P. C. JOSHI, Director and Head (TED)

नई दिल्ली, 16 जनवरी, 2006

का.आ. 330.—भारतीय मानक ब्यूरो नियम, 1987 के नियम 7 के उपनियम (1) के खंड (ख) के अनुसरण में भारतीय मानक ब्यूरो एतद्वारा अधिसूचित करता है कि जिन भारतीय मानकों के विवरण नीचे अनुसूची में दिए गए हैं वे स्थापित हो गए हैं :

अनुसूची

क्रम संख्या	स्थापित भारतीय मानक(कों) की संख्या, वर्ष और शीर्षक	नये भारतीय मानक द्वारा अतिक्रमित भारतीय मानक अथवा मानकों, यदि कोई हो, की संख्या और वर्ष	स्थापित तिथि
(1)	(2)	(3)	(4)
1.	आई एस 9930 : 2005 काँच भट्टी के प्रयोजनों के लिए जिरकॉन की अग्निसह सामग्रियाँ विशिष्ट (पहला पुनरीक्षण)	आई एस 9930 : 1981	30 सितम्बर, 2005

इस भारतीय मानक की प्रतियाँ भारतीय मानक ब्यूरो, मानक भवन, 9 बहादुर शाह जफर मार्ग, नई दिल्ली-110002, क्षेत्रीय कार्यालयों, नई दिल्ली, कोलकाता, चण्डीगढ़, चेन्नई, मुम्बई तथा शाखा कार्यालयों अहमदाबाद, बंगलौर, भोपाल, भुवनेश्वर, कोयम्बतूर, गुवाहाटी, हैदराबाद, जयपुर, कानपुर, पटना, पूणे तथा तिरुवनन्तापुरम में बिक्री हेतु उपलब्ध हैं।

[संदर्भ : एमटीडी 15/टी-80]

एस. के. गुप्ता, वैज्ञानिक 'एफ' एवं प्रमुख (एमटीडी)

New Delhi, the 16th January, 2006

S.O. 330.—In pursuance of clause (b) of sub-rule (1) of Rule 7 of the Bureau of Indian Standards Rules, 1987, the Bureau of Indian Standards hereby notifies that the Indian Standards, particulars of which are given in the Schedule hereto annexed have been established on the date indicated against each :

SCHEDULE

Sl. No.	No. and Year of the Indian Standards Established	No. and year of Indian Standards, if any. Superseded by the New Indian Standard	Date of Established
(1)	(2)	(3)	(4)
1.	IS 9930 : 2005 Zircon refractories for glass furnace applications : Specification (First Revision)	IS 9930 : 1981	30 September, 2005

Copy of this Standard is available for sale with the Bureau of Indian Standards, Manak Bhavan, 9 Bahadur Shah Zafar Marg, New Delhi-110002 and Regional Offices : New Delhi, Kolkata Chandigarh, Chennai, Mumbai and also Branch Offices : Ahmedabad, Bangalore, Bhopal, Bhubaneswar, Coimbatore, Guwahati, Hyderabad, Jaipur, Kanpur, Nagpur, Patna, Pune, Thiruvananthapuram.

[Ref: MTD 15/T-80]

S. K. GUPTA, Scientist 'F' and Head (MTD)

नई दिल्ली, 17 जनवरी, 2006

का.आ. 331.—भारतीय मानक ब्यूरो नियम 1987 के नियम 7 के उप-नियम (1) के खंड (ख) के अनुसरण में भारतीय मानक ब्यूरो एतद्द्वारा अधिसूचित करता है कि जिन भारतीय मानकों के विवरण नीचे अनुसूची में दिए गए हैं वे स्थापित हो गए हैं :—

अनुसूची

क्रम संख्या	स्थापित भारतीय मानक (कों) की संख्या, वर्ष और शीर्षक	नये भारतीय मानक द्वारा अतिक्रमित भारतीय मानक अथवा मानकों, यदि कोई हो, की संख्या और वर्ष	स्थापित तिथि
(1)	(2)	(3)	(4)
1.	आई एस 1828 (Pt 1) : 2005/आई एस ओ 67500-1 : 1999 धातुओं के लिए स्थैतिक एकाक्षीय परीक्षण यंत्रों का सत्यापन भाग 1 तनन संपीडन परीक्षण यंत्र—बल मापक प्रणाली का सत्यापन एवं अंशशोधन (तीसरा पुनरीक्षण)	आई एस 1828 (Pt 1) : 1991	30 नवम्बर, 2005

इस भारतीय मानक की प्रतियां भारतीय मानक ब्यूरो, मानक भवन, 9 बहादुर शाह जफर मार्ग, नई दिल्ली-110002, क्षेत्रीय कार्यालयों: नई दिल्ली, कोलकाता, चण्डीगढ़, चेन्नई, मुम्बई तथा शाखा कार्यालयों: अहमदाबाद, बंगलौर, भोपाल, भुवनेश्वर, कोयम्बतूर, गुवाहाटी, हैदराबाद, जयपुर, कानपुर, पटना, पूणे तथा तिरुवनन्तापुरम में बिक्री हेतु उपलब्ध हैं।

[संदर्भ : एमटीडी 3/टी-77]

एस. के. गुप्ता, वैज्ञानिक 'एफ' एवं प्रमुख (एमटीडी)

New Delhi, the 17th January, 2006

S.O. 331.—In pursuance of clause (b) of sub-rule (1) of Rule 7 of the Bureau of Indian Standards Rules, 1987, the Bureau of Indian Standards hereby notifies that the Indian Standards, particulars of which are given in the Schedule hereto annexed have been established on the date indicated against each :

SCHEDULE

Sl. No.	No. and Year and title of the Indian Standards Established	No. and year of Indian Standards, if any superseded by the New Indian Standard	Date of Established
(1)	(2)	(3)	(4)
1.	IS 1828 (Pt 1) : 2005/ISO 67500-1 : 1999 Metallic Materials Verification of static uniaxial testing machines Part 1 Tension/Compression testing machines—Verification and calibration of the force-measuring system (Third Revision)	IS 1828 (Pt 1) : 1991	30th November, 2005

Copy of this Standard is available for sale with the Bureau of Indian Standards, Manak Bhavan, 9 Bahadur Shah Zafar Marg, New Delhi-110002 and Regional Offices : New Delhi, Kolkata, Chandigarh, Chennai, Mumbai and also Branch Offices : Ahmedabad, Bangalore, Bhopal, Bhubaneswar, Coimbatore, Guwahati, Hyderabad, Jaipur, Kanpur, Nagpur, Patna, Pune, Thiruvananthapuram.

[Ref: MTD 3/T-77]

S. K. GUPTA, Scientist 'F' and Head (MTD)

नई दिल्ली, 16 जनवरी, 2006

का.आ. 332.—भारतीय मानक ब्यूरो नियम 1987 के नियम 7 के उपनियम (1) के खंड (ख) के अनुसरण में भारतीय मानक ब्यूरो एतद्द्वारा अधिसूचित करता है कि जिन भारतीय मानकों के विवरण नीचे अनुसूची में दिए गए हैं वे स्थापित हो गए हैं :

अनुसूची

क्रम संख्या	स्थापित भारतीय मानक (कों) की संख्या, वर्ष और शीर्षक	नये भारतीय मानक द्वारा अतिक्रमित भारतीय मानक अथवा मानकों, यदि कोई हो, की संख्या और वर्ष	स्थापित तिथि
(1)	(2)	(3)	(4)
1.	आई एस 11281 : 2005—लौह एवं इस्पात के उत्पादन में प्रयुक्त मैंगनीस अयस्क (पहला पुनरीक्षण)	आई एस 11281 : 1985	30 नवम्बर, 2005

इस भारतीय मानक की प्रतियां भारतीय मानक ब्यूरो, मानक भवन, 9 बहादुर शाह जफर मार्ग, नई दिल्ली-110002, क्षेत्रीय कार्यालयों: नई दिल्ली, कोलकाता, चण्डीगढ़, चेन्नई, मुम्बई तथा शाखा कार्यालयों: अहमदाबाद, बंगलौर, भोपाल, भुवनेश्वर, कोयम्बतूर, गुवाहाटी, हैदराबाद, जयपुर, कानपुर, पटना, पूणे तथा तिरुवनन्तापुरम में बिक्री हेतु उपलब्ध हैं।

[संदर्भ : एमटीडी 13/टी-23]

एस. के. गुप्ता, वैज्ञानिक 'एफ' एवं प्रमुख (एमटीडी)

New Delhi, the 16th January, 2006

S.O. 332.—In pursuance of clause (b) of sub-rule (1) of Rule 7 of the Bureau of Indian Standards Rules, 1987, the Bureau of Indian Standards hereby notifies that the Indian Standards, particulars of which are given in the Schedule hereto annexed have been established on the date indicated against each :

SCHEDULE

Sl. No.	No. and Year and title of the Indian Standards Established	No. and year of Indian Standards, if any, superseded by the New Indian Standard	Date of Established
(1)	(2)	(3)	(4)
1.	IS 11281 : 2005 Manganese Ore for Use in Iron and Steel Making (First Revision)	IS 11281 : 1985	30th November, 2005

Copy of this Standard is available for sale with the Bureau of Indian Standards, Manak Bhavan, 9 Bahadur Shah Zafar Marg, New Delhi-110002 and Regional Offices : New Delhi, Kolkata Chandigarh, Chennai, Mumbai and also Branch Offices : Ahmedabad, Bangalore, Bhopal, Bhubaneswar, Coimbatore, Guwahati, Hyderabad, Jaipur, Kanpur, Nagpur, Patna, Pune, Thiruvananthapuram.

[Ref: MTD 13/T-23]

S. K. GUPTA, Scientist 'F' and Head (MTD)

(फरीदाबाद शाखा कार्यालय)

फरीदाबाद, 16 जनवरी, 2006

का. आ. 333.—भारतीय मानक ब्यूरो (प्रमाणन) विनियम, 1988, के विनियम 5 के उप विनियम (6) अनुसरण में भारतीय मानक ब्यूरो एतद्वारा अधिसूचित करता है कि वे लाइसेंस जिनके विवरण नीचे अनुसूची में दिए गए हैं उनके आगे दर्शाए गई तिथि से समाप्त हो गए हैं:

अनुसूची

क्रम सं.	लाइसेंस संख्या	लाइसेंसधारी का नाम एवं पता	लाइसेंस के अंतर्गत वस्तु/प्रक्रम सुबद्ध भारतीय मानक सहित	समाप्त होने की तिथि
1.	9443483	मै. मैना इलेक्ट्रॉनिक्स लि., प्लॉट नं. 143-144, सैक्टर - 5, आई एम टी, मनेसर, गुडगाँव	आई एस 6616 : 1982 बलास्ट फोर एच पी एम वी लैम्पस	15-09-2005 19-10-2005
2.	9154577	मै. रॉयल रबड़्स, एस एस आई प्लॉट नं. 18A, मार्किट नं. 5, मित्तल शोपिंग कम्प्लेक्स के पीछे, एन आई टी, फरीदाबाद	आई एस 10908 : 1991 फ्लैक्सिबल रबड़ ट्यूबिंग फोर यूज विद एल पी जी	17-10-2005
3.	2394663	मै. अनु प्रोडक्ट्स लि., तिगाँव रोड, ओल्ड फरीदाबाद	आई एस 11997 : 1987 फैनवलारेट	03-10-2005
4.	9025263	मै. नार्दन मिनरल्स लि., दौलताबाद रोड, गुडगाँव	आई एस 8259 : 1976 ऑक्सीडेमेटन मिथाइल	10-10-2005
5.	1883673	मै. हिन्दुस्तान वायर्स लि., प्लॉट नं. 267, सैक्टर - 24, फरीदाबाद	आई एस 9798 : 1995 लो प्रेशर रैगुलेटर फोर यूज विद एल पी जी	26-10-2005
6.	9308881	मै. लीडर पम्प एण्ड मोटर्स, डी-1/117, संजय कालोनी, सैक्टर - 23, फरीदाबाद	आई एस 8472 : 1998 रीजैनेरेटिव पम्पस	24-10-2005
7.	9217373	मै. भारत इनसैक्टीसाइड्स लि., सी 3 एण्ड 4, एम आई ई, बहादुरगढ़, जिला झझर	आई एस 12916 : 1990 एसीफेट	28-10-2005
8.	9217474	—वही—	आई एस 5279 : 1969 डाइकोफाल	28-10-2005

[संदर्भ: सीएमडी-1/13:13]

एस. एम. भाटिया, उप महानिदेशक (मुहर)

(Faridabad Branch Office)

Faridabad, the 16th January, 2006

S.O. 333.—In pursuance of sub-regulation (6) of regulation 5 of the Bureau of Indian Standards (Certification) Regulations, 1988, the Bureau of Indian Standards, hereby notifies that the licences particulars of which are given in the following schedule have expired with effect from the date indicated against each :

SCHEDULE

Sl. No.	Licence No.	Name and address of the Licensee	Article/process with relevant Indian Standards covered by the licence	Date of expiry
1.	9443483	M/s Myna Electronics Ltd., Plot No. 143-144, Sector-5, IMT, Manesar, Gurgaon	IS 6616 : 1982 Ballasts for HPMV Lamps	15-09-2005 19-10-2005
2.	9154577	M/s Royal Rubbers, SSI Plot No. 18A, Market No. 5, Behind Mittal Shopping Complex, NIT, Faridabad	IS 10908 : 1991 Flexible rubber tubing for use with LPG	17-10-2005
3.	2394663	M/s Anu Products Ltd., Tigaon Road, Old Faridabad	IS 11997 : 1987 Fenvalarate	03-10-2005
4.	9025263	M/s Northern Minerals Ltd., Daultabad Road, Gurgaon	IS 8259 : 1976	10-10-2005
5.	1883673	M/s Hindustan Wires Ltd., Plot No. 267, Sector - 24, Faridabad	IS 9798 : 1995 Low Pressure Regulator for use with LPG	26-10-2005
6.	9308881	M/s Leader Pumps & Motors, D-1/117, Sanjay Colony, Sec-23, Faridabad	IS 8472 : 1998 Regenerated pumps	24-10-2005
7.	9217373	M/s Bharat Insacticides Ltd., C-3 & 4, MIE, Bahadurgarh	IS 12916 : 1990 Accphate	28-10-2005
8.	9217474	—do—	IS 5279 : 1969 Dichofal	28-10-2005


[Ref : CMD-1/13:13]

S. M. BHATIA, Dy. Director General (Marks)

नई दिल्ली, 18 जनवरी, 2006

का.आ. 334.—भारतीय मानक ब्यूरो नियम 1987 के नियम 9 के उप नियम (1) के अनुसरण में भारतीय मानक ब्यूरो एतद्वारा अधिसूचित करता है कि नीचे अनुसूची में दिए गए भारतीय मानकों सम्बन्धी मानक मुहर के डिजाइन निर्धारित कर दिए गए हैं :—

अनुसूची

क्रम संख्या	मानक मुहर का डिजाइन	उत्पाद/उत्पाद की श्रेणी	भारतीय मानक की संख्या और वर्ष	लागू होने की तिथि
1	2	3	4	5
1		चाँदी और चाँदी मिश्रधातु आभूषण और शिल्पकारी शुद्धता और मुहरांकन	आई एस 2112 : 2003	18-10-2005

SILVER


[संदर्भ : सीएमडी-1/13:9]

एस.एम. भाटिया, उप महानिदेशक (मुहर)

New Delhi, the 18th January, 2006

S.O. 334.—In pursuance of sub-rule (1) of Rule 9 of the Bureau of Indian Standards Rule 1987, the Bureau of Indian Standards, hereby notified the Standard Marks for the Indian Standards given in the schedule:

SCHEDULE

Sl. No.	Design of the Standard Mark	Product/Class of product	No. & year of the Indian Standards	Effective Date
1	2	3	4	5
1	 SILVER	Silver and Silver Alloys. Jewellery and Artefacts Fineness and Marking	IS 2112 : 2003	18-10-2005

[Ref: CMD-1/13:9]

S. M. BHATIA, Dy. Director General (Marks)

नई दिल्ली, 19 जनवरी, 2006

का.आ. 335.—भारतीय मानक ब्यूरो नियम 1987 के नियम 7 के उपनियम (1) के खंड (ख) के अनुसरण में भारतीय मानक ब्यूरो एतद्वारा अधिसूचित करता है कि जिन भारतीय मानकों के विवरण नीचे अनुसूची में दिए गए हैं वे स्थापित हो गए हैं:—

अनुसूची

क्रम संख्या	स्थापित भारतीय मानक(कों) की संख्या वर्ष और शीर्षक	नये भारतीय मानक द्वारा अतिक्रमित भारतीय मानक अथवा मानकों, यदि कोई हो, की संख्या और वर्ष	स्थापित तिथि
(1)	(2)	(3)	(4)
1.	आई एस 11626 : 2005—पराश्रव्य परीक्षण की अनुशंसित रीति और सादे कार्बन एवं निम्न मिश्रधातु गढ़ाई इस्पात ब्लूम की स्वीकार्यता (पहला पुनरीक्षण)	आई एस 11626 : 1986	31 दिसम्बर, 2005

इस भारतीय मानक की प्रतियां भारतीय मानक ब्यूरो, मानक भवन, 9, बहादुर शाह जफर मार्ग, नई दिल्ली-110002, क्षेत्रीय कार्यालयों, नई दिल्ली, कोलकाता, चण्डीगढ़, चेन्नई, मुम्बई तथा शाखा कार्यालयों अहमदाबाद, बंगलौर, भोपाल, भुवनेश्वर, कोयम्बतूर, गुवाहाटी, हैदराबाद, जयपुर, कानपुर, पटना, पूणे तथा तिरुवनन्तापुरम में बिक्री हेतु उपलब्ध हैं।

[संदर्भ : एमटीडी 21/टी-49]

एस. के. गुप्ता, वैज्ञानिक 'एफ' एवं प्रमुख (एमटीडी)

New Delhi, the 19th January, 2006

S.O. 335.—In pursuance of clause (b) of sub-rule (1) of Rule 7 of the Bureau of Indian Standards Rules, 1987, the Bureau of Indian Standards hereby notifies that the Indian Standards, particulars of which are given in the Schedule hereto annexed have been established on the date indicated against each :

SCHEDULE

Sl. No.	No. and year of the Indian Standards Established	No. and year of Indian Standards, if any, superseded by the New Indian Standard	Date of Established
(1)	(2)	(3)	(4)
1.	IS 11626 : 2005—Recommended practice for ultrasonic testing and acceptance for plain carbon and low alloy forging quality steel blooms (First Revision)	IS 11626 : 1986	31 December, 2005

Copy of this Standard is available for sale with the Bureau of Indian Standards, Manak Bhavan, 9, Bahadur Shah Zafar Marg, New Delhi-110002 and Regional Offices : New Delhi, Kolkata Chandigarh, Chennai, Mumbai and also Branch Offices : Ahmedabad, Bangalore, Bhopal, Bhubaneswar, Coimbatore, Guwahati, Hyderabad, Jaipur, Kanpur, Nagpur, Patna, Pune, Thiruvananthapuram.

[No. Ref : MTD 21/T-49]

S. K. GUPTA, Scientist 'F' and Head (MTD)

नई दिल्ली, 19 जनवरी, 2006

का.आ. 336.— भारतीय मानक ब्यूरो नियम, 1987 के नियम, 7 के उप-नियम (1) के खंड (ख) के अनुसरण में भारतीय मानक ब्यूरो एतद्वारा अधिसूचित करता है कि जिस भारतीय मानक का विवरण नीचे अनुसूची में दिया गया है वह स्थापित हो गया है :—

अनुसूची

क्रम संख्या	स्थापित भारतीय मानक(कों) की संख्या वर्ष और शीर्षक	नये भारतीय मानक द्वारा अतिक्रमित भारतीय मानक अथवा मानकों, यदि कोई हो, की संख्या और वर्ष	स्थापित तिथि
(1)	(2)	(3)	(4)
4.	13730 (भाग 44) : 2005/आई ई सी 60317-44(1997) विशेष प्रकार के कुंडलन तारों की विशिष्टि—भाग 44 एरोमैटिक पॉलीमाइड टेप लिपटे आयाताकार तारों के तार, तापमान सूचक 240	—	30 नवम्बर, 2005

इस भारतीय मानक की एक प्रति भारतीय मानक ब्यूरो, मानक भवन, 9 बहादुर शाह जफर मार्ग, नई दिल्ली-110002, क्षेत्रीय कार्यालयों, नई दिल्ली, कोलकाता, चण्डीगढ़, चेन्नई, मुम्बई तथा शाखा कार्यालयों अहमदाबाद, बंगलौर, भोपाल, भुवनेश्वर, कोयम्बतूर, गुवाहाटी, हैदराबाद, जयपुर, कानपुर, पटना, पूणे तथा तिरुवनन्तपुरम में बिक्री हेतु उपलब्ध हैं।

[सं. : ईटी33/टी-93]

पी. के. मुखर्जी, वैज्ञानिक 'एफ' एवं प्रमुख (विद्युत तकनीकी)

New Delhi, the 19th January, 2006

S.O. 336.—In pursuance of clause (b) of sub-rule (1) of Rule 7 of the Bureau of Indian Standards Rules, 1987, the Bureau of Indian Standards hereby notifies the Indian Standards, particulars of which is given in the Schedule hereto annexed has been issued :

SCHEDULE

Sl. No.	No. and year of the Indian Standards	No. and year of the Indian Standards. if any, superseded by the New Indian Standard	Date of Established
(1)	(2)	(3)	(4)
1.	IS 13730 (Part 44) : 2005/IEC 60317-44 (1977) Specification for particular types of winding wires Part 44 Aromatic polyimide tape wrapped rectangular copper wire, temperature index 240	—	30th November, 2005

Copy of this Standard is available for sale with the Bureau of Indian Standards, Manak Bhavan, 9 Bahadur Shah Zafar Marg, New Delhi-110002 and Regional Offices : New Delhi, Kolkata, Chandigarh, Chennai, Mumbai and also Branch Offices : Ahmedabad, Bangalore, Bhopal, Bhubaneswar, Coimbatore, Guwahati, Hyderabad, Jaipur, Kanpur, Nagpur, Patna, Pune, Thiruvananthapuram.

[No. ET-33/T-93]

P. K. MUKHERJEE Scientist 'F' and Head (Electrotechnical)

नई दिल्ली, 19 जनवरी, 2006

का.आ. 337.— भारतीय मानक ब्यूरो के भारतीय मानक ब्यूरो (प्रमाणन) विनियमन, 1988 के उप-विनियमन (5) के आधार पर निम्नलिखित अनुसूची में दिए विवरण के लाइसेन्स को स्वीकृति एतद्वारा अधिसूचित करता है।

अनुसूची

क्रम संख्या	लाइसेन्स संख्या	लागू तिथि	पार्टी का नाम व पता (कारखाना)	मानक की उपाधि	भा मासं : भाग/खंड वर्ष
1	2	3	4	5	6
1.	6474681	22-09-04	भारत एग्रो पाइप्स, नं/249, पालक्काड मेइन रोड, कुनियमुत्तूर, कोयम्बतूर-641008.	सिंचाई उपस्कर सिंचाई लेटरल्स के लिए पेलोएथिलोन पाइप	भा मा : 12786 : 1989
2.	6474378	22-09-04	जेनिथ इन्डस्ट्रियल्स, नं : 1316, अविनासी रोड, पोलमेड, कोयम्बतूर-641004.	गहरे कुओं के लिए निमज्जनीय पंप सेट	भा मा : 14220 : 1994
3.	6475683	28-09-04	सुसुको एन्टरप्राइसेस, नं : 1507, अविनासी रोड, नेशनल मोडल स्कूल के सामने पी. एफ. क्वार्टर रोड, कोयम्बतूर-641004.	कृषि और जलपूर्ति के लिए साफ और ठंडे पानी के बिजली के मोनो सेट पम्प.	भा मा : 9079 : 2002
4.	6475582	28-9-2004	चेरन इंडस्ट्रीज, 439/3-ए, 1-बी, मुलै तोट्टम, अतिपालयम रोड, गणमति, कोयम्बतूर-641006.	गहरे कुओं के लिए निमज्जनीय पम्प सेट,	भा मा : 14200 : 1994
5.	6477081	12-10-2004	श्री. मुरगन ट्रेडिंग कंपनी, नं-78, न्यू किरानाधम रोड, सरवर्णमपट्टी, कोयम्बतूर-641035.	निमज्जनीय पंप सेट	भा मा : 8034 : 2002
6.	6477182	12-10-2004	श्री. मुरगन ट्रेडिंग कंपनी, नं-78, न्यू किरानाधम रोड, सरवर्णमपट्टी, कोयम्बतूर-641035.	निमज्जनीय पंप सेट	भा मा : 9283 : 1995
7.	6477384	13-10-2004	सामसन इंडस्ट्रीज, 143-डी, तिरुच्ची रोड, भगत सिंह नगर, सूलूर, कोयम्बतूर-641402.	निमज्जनीय पंप सेट मोटर्स.	भा मा : 8034 : 2002
8.	6477283	13-10-2004	भारत एग्रो पाइप्स, 249, पालक्काड मेइन रोड, कुनियमुत्तूर, कोयम्बतूर-641008.	पानी की आपूर्ति के लिए उच्च घनत्व वाले पॉलिएथिलीन पाइप.	भा मा : 4984 : 1995
9.	6478588	26-10-2004	सबरी डायमंड्स एंड ज्वेल्स, नं.-6, सबरी स्ट्रीट, बिन्नी कंपाउंड, कुमरन रोड, तिरुप्पूर.	स्वर्ण एवं स्वर्ण मिश्रधातुएं, आभूषण/शिल्पकारी शुद्धता एवं मुद्रांकन	भा मा : 1417 : 1999
10.	6478891	28-10-2004	वी-टेक इन्जीनियरिंग, 23, आंडाल नगर, मासक्कलीपालयम रोड, उप्पिलीपालयम पी. ओ. कोयम्बतूर-641015.	निमज्जनीय पंप सेट के मोटर्स	भा मा : 9283 : 1995

1	2	3	4	5	6
11.	6478992	28-10-2004	बी-टेक इन्जीनियरिंग, 23, आंडाल नगर, मासक्कलीपालयम रोड, उच्चिलोपालयम, पो.ओ. कोयम्बतूर-641015.	निमज्जनीय पंप सेट	भा मा : 8034 : 2002
12.	6479792	8-11-2004	जे. के. इन्डस्ट्रीज, 22-बी, नव इंडिया रोड, पीलमेड, कोयम्बतूर-641004.	साफ ठण्डे पानी के लिए पुनरुत्पादक अपकेन्द्रीय पम्प	भा मा : 8472 : 1998
13.	6480070	11-11-2004	रम्या इन्डोस्ट्रियल्स, एस. एफ. नं./272, बी-2, चिन्मयानगर, तोन्डामुतूर, रोड, वडवल्ली, कोयम्बतूर-641041.	साफ ठण्डे पानी के लिए पुनरुत्पादक अपकेन्द्रीय पम्प	भा मा : 8472 : 1998
14.	6479994	11-11-2004	प्रवीण इन्जीनियरिंग, नं. 2234-ए, तिरुची रोड, सिंगनल्लूर, कोयम्बतूर-641005.	अल्प बोल्टता स्विच गियर और नियन्त्रण गियर भाग-4, संपर्क मुक्तियाँ और मोटर स्टार्टर अनुभाग : 1 विद्युत्तयांत्रिक संपर्क युक्तियाँ और मोटर स्टार्टर	भा मा : 13947 : भाग-4, अनुभाग : 1 : 1993.
15.	6480474	24-11-2004	के. एम. पी. इन्डस्ट्रीज, एस. एफ नं./166/3-ए, पी. एन. पालयम रोड, गाँधीनगर, गणपती, कोयम्बतूर-641006.	साफ ठण्डे पानी के लिए पुनरुत्पादक अपकेन्द्रीय पम्प	भा मा : 8472 : 1998
16.	6481173	29-11-2004	एल्लै लक्ष्मी मोनोमेट प्राइवेट लिमिटेड, नं./32, सिडको इन्डस्ट्रियल एस्टेट, कुरिच्ची, कोयम्बतूर-641021.	साफ ठण्डे पानी के लिए क्षैतिज अपकेन्द्रीय पम्प भाग 1 कृषि और ग्रामीण आपूर्ति प्रयोजन के लिए	भा मा : 6595 भाग 1 : 2002
17.	6481779	1-12-2004	कोयम्बतूर इन्जीनियरिंग कार्पोरेशन, यूनिट-1, 25, पेरुमाल कोइल तोट्टम, पी. एन. पालयम रोड गणपति, कोयम्बतूर-641006.	निमज्जनीय पंप सेट के मोटोर	भा मा : 8034 : 2002
18.	6481880	1-12-2004	कोयम्बतूर इन्जीनियरिंग कार्पोरेशन, यूनिट-1, 25, पेरुमाल कोइल तोट्टम, पी. एन. पालयम रोड गणपति, कोयम्बतूर-641006.	निमज्जनीय पंप सेट के मोटोर	भा मा : 9283 : 1995
19.	6481981	1-12-2004	कुमरन जेम्स और ज्वेल्स, नं./331, राजा स्ट्रीट, कोयम्बतूर-641001.	स्वर्ण एवं स्वर्ण मिश्रधातुएं आभूषण/ शिल्पकारी शुद्धता एवं मोहरांकन।	भा मा : 1417 : 1999
20.	6482579	3-12-2004	अन्बु तंग मालिगै, नं./30, सति मेइन रोड, नीयर अन्बु भवन, गोबिन्देडिटपालयम-638 476	स्वर्ण एवं स्वर्ण मिश्रधातुएं आभूषण/ शिल्पकारी शुद्धता एवं मोहरांकन।	भा मा : 1417 : 1999
21.	6483985	8-12-2004	जगहस इन्जीनियरिंग, एक्विपमेंट्स युनिट-III, नं./167, अम्मनकुलम रोड, पी. एन. पालयम, कोयम्बतूर-641 037	निमज्जनीय पंप सेट के मोटर	भा मा : 9283 : 1995

1	2	3	4	5	6
22.	6484078	8-12-2004	जगहस इन्जीनियरिंग, एक्विपमेंट्स यूनिट-III, नं./167, अम्मनकुलम रोड, पी. एन. पालयम, कोयम्बतूर-641 037	निमज्जनीय पंप सेट	भा मा : 8034 : 2002
23.	6484179	8-12-2004	अरिदास एंड को नं./48, श्रीनगर, पोलमेडु, कोयम्बतूर-641 004.	साफ ठंडे पानी के लिए पुनरुत्पादक अपकेन्द्रीय पम्प	भा. मा : 8472 : 1998
24.	6485484	13-12-2004	गंगोत्री पम्पस, 21-बी, भगत सिंह स्ट्रीट, वरदराजपुरम मेडु, उप्पिलिपालयम पी.ओ. कोयम्बतूर-641 015.	साफ ठंडे पानी के लिए पुनरुत्पादक अपकेन्द्रीय पम्प	भा मा : 8472 : 1998
25.	6485888	14-12-2004	गौमती मेटल इन्डस्ट्रीज, एस एफ-71, कुट्टै तोट्टम, आरभुगा गाउंडनूर, पेरूर, चेदिटपालयम, कोयम्बतूर-641 407.	शिरोपरी प्रेषण कार्यों के लिए ऐल्युमिनियम के चालक भाग-4, ऐल्युमिनियम मिश्र- धातु लड़दार चालक (ऐल्युमिनियम- मैगनेशियम- सिलिकॉन प्रकार)	भा मा : 398 (भाग-4) 1994.
26.	6486385	15-12-2004	एम.वी. एक्सपोर्ट्स, नं./36-बी, फस्ट स्ट्रीट, रामनगर, तिरुप्पूर-641 602.	वस्त्रादि-सादी (सिंगल जर्सी) बुनी (निट्टेड) सूती बनियान	भा मा : 4964 : 2003
27.	6488086	23-12-2004	चैलंजर पंप्स इन्डिया प्राइवेट लिमिटेड नं./79, अत्तिपालयम रोड, चिन्नवेडम पट्टी, गणपति, कोयम्बतूर-641 006.	निमज्जनीय पंप सेट	भा मा : 8034 : 2002
28.	6488187	23-12-2004	चैलंजर पंप्स इन्डिया प्राइवेट लिमिटेड नं./79, अत्तिपालयम रोड, चिन्नवेडम पट्टी, गणपति, कोयम्बतूर-641 006.	निमज्जनीय पंप सेट के मोटर	भा मा : 9283 : 1995
29.	6490174	5-1-2005	गुप्ता जेम ज्वेलर्स, नं./56, बाजार स्ट्रीट, गोबीचेदिटपालयम, ईरोड-638 452.	स्वर्ण एवं स्वर्ण मिश्रधातुएँ आभूषण/ शुद्धता एवं मोहरांकन	भा मा : 1417 : 1999
30.	6490073	18-1-2005	दामूचेदिटयार नगै मालिगई, नं./70, कचेरी स्ट्रीट, गोबीचेदिटपालयम, ईरोड-638 452.	स्वर्ण एवं स्वर्ण मिश्रधातुएँ आभूषण/ शिल्पकारी शुद्धता एवं मोहरांकन	भा मा : 1417 : 1999
31.	6490679	24-1-2005	सराबेश वाटर टेक्नालाजीस कंपनी, नं./73/2, चेक्कू तोट्टम, कामराजर रोड, नं./4, वीरपांडी, कोयम्बतूर-641 019.	पैकेजबन्द पेय जल	भा मा : 14543 : 2004

1	2	3	4	5	6
32.	6490780	24-01-2005	साई अक्वा फार्मस, वेलायुथम पिल्लै स्ट्रीट, सुंडक्कासुतुर, कोयम्बतूर-691 010	पैकेजबन्द पेय जल	भा मा : 14543 : 2004
33.	6490376	24-01-2005	श्री रघुराम ज्वेल्लर्स नं. 22, मोदचूर रोड, नागयया थियेटर के सामने गोबीचेट्टिपालयम, ईरोड-638 452	स्वर्ण एवं स्वर्ण मिश्रधातुएँ आभूषण/ शिल्पकारी शुद्धता एवं मोहरांकन	भा मा : 1417 : 1999
34.	6490477	24-01-2005	कल्याण ज्वेल्लर्स, पांचवा क्रॉस, 100 फीट रोड, गांधीपुरम, कोयम्बतूर-641 012	स्वर्ण एवं स्वर्ण मिश्रधातुएँ आभूषण/ शिल्पकारी शुद्धता एवं मोहरांकन	भा मा.: 1417 : 1999
35.	6492784	31-01-2005	फाइनटेक पाइप प्रोडेक्टेस, नं. 1/294, (9,10), एस एफ नं./96/2बी व 4, पुलियमपट्टी, मेइन रोड, गोबी, ईरोड-638 458.	पेय जल आपूर्ति के लिए यूपीवीसी पाइप्स	भा मा : 4985 : 2000
36.	6494081	11-02-2005	मीरा पम्पस, नं. 1, शिवा नगर-II, उप्पिलीपालयम पोस्ट, कोयम्बतूर-641 015	निमज्जनीय पम्प सेट्स	भा मा : 8034 : 2002
37.	6494182	11-02-2005	मीरा पम्पस, नं. 1, शिवा नगर-II, उप्पिलीपालयम पोस्ट, कोयम्बतूर-641 015	निमज्जनीय पम्प सेट्स के मोटर	भा मा : 9283 : 1995
38.	6494485	14-02-2005	महेन्द्रा सबमेसिबिल पंप्स प्राइवेट लिमिटेड, नं. 428/2, कालपट्टी रोड, कोयम्बतूर-641 035	गहरे कुंओं के लिए निमज्जनीय पम्प सेट्स	भा मा : 14220 : 1994
39.	6494384	14-02-2005	हरि इन्डस्ट्रीज, एस.एफ. नं. 135-बी/1, चिन्तोट्टम, चिन्मवेडम पट्टी, कोयम्बतूर-641 006.	गहरे कुंओं के लिए निमज्जनीय पम्प सेट्स	भा मा : 14220 : 1994
40.	6495083	16-02-2005	विक्रम पम्पस, एस.एफ.नं. 483/2-सी, 4-ए, एल्लै तोट्टम, पीलमेडु, कोयम्बतूर-641 004	गहरे कुंओं के लिए निमज्जनीय पम्प सेट्स	भा मा : 14220 : 1994
41.	6495386	18-02-2005	अक्वाटेक इंजीनियर्स नं. 556/1, अविनाशी रोड, पीलमेडु पोस्ट, कोयम्बतूर-641 004	गहरे कुंओं के लिए निमज्जनीय पम्प सेट्स	भा मा : 14220 : 1994
42.	6496186	23-02-2005	सेल्वर इल्वट्रॉनिक्स लिमिटेड, सामिचेट्टीपालयम, जोतिपुरम, कोयम्बतूर-641 047.	घरेलू एवं समान कार्यों के लिए स्विच	भा मा : 3854 : 1997

1	2	3	4	5	6
43.	6496489	24-02-2005	केविन पाइप्स, नया : नं. 30, पुराना-नं. 5, एस एफ नं. 333/6-बी, गोबी-धारापुरम मेइन रोड, गेटीचेवियूर, नम्बियूर ब्लाक, ईरोड-638 110.	जल आपूर्ति के लिए उच्च घनत्व वाले पालियेथिलीन पाइप्स	भा मा : 4984 : 1995
44.	6497491	3-3-2005	माइक्रो एक्वीपमेंट्स, नं. 15, दसवाँ स्ट्रीट, जोति नगर, उप्पिलीपालयम, कोयम्बतूर-641 015.	निमज्जनीय पम्पसेट्स	भा मा : 8034 : 2002
45.	6497693	3-3-2005	माइक्रो एक्वीपमेंट्स, नं. 15, दसवाँ स्ट्रीट, जोति नगर, उप्पिलीपालयम, कोयम्बतूर-641 015.	निमज्जनीय पम्पसेट के मोटर	भा मा : 9283 : 1995
46.	6497592	3-3-2005	अन्नामर अक्वा ए प्रोडक्ट्स, नं. 93/1, कावेरी रोड, वीरप्पन छत्रम, ईरोड-638 004.	पैकेजबन्द पेय जल	भा मा : 14543 : 2004
47.	6498089	7-3-2005	अक्वासब इन्जीनियरिंग, तुडियलूर पोस्ट, कोयम्बतूर-641 034.	निमज्जनीय पंपसेट के लिए मोटर	भा मा : 9283 : 1995
48.	6504462	8-4-2005	एस. एस. डी. इन्डस्ट्रीज, नं. 112-बी, तण्णीर पन्दल, सातवां क्रास, पीलमेडु, कोयम्बतूर-641 004.	साफ ठंडे पानी के लिए पुनरुत्पादक अपकेन्द्रीय पम्प	भा मा : 8472 : 1998
49.	6505767	18-4-2005	हारसन पम्पस, एस. एफ. नं. 771/1-बी, नेहरू नगर, सिविल एरोड्रोम पोस्ट, कोयम्बतूर-641 014.	निमज्जनीय पम्पसेट्स	भा मा : 8034 : 2002
50.	6505868	18-4-2005	हारसन पम्पस, एस. एफ. नं. 771/1-बी, कालपट्टी रोड, नेहरू नगर, सिविल एरोड्रोम पोस्ट, कोयम्बतूर-641014.	निमज्जनीय पम्पसेट्स	भा मा : 9283 : 1995
51.	6506365	25-4-2005	प्रोम्ट सबमर्सिबल सिस्टम्स, एस.एफ. नं. 359, एल्जी इन्डस्ट्रीयल कॉम्प्लेक्स, ट्रिची रोड, सिगानल्लूर, कोयम्बतूर-641 005.	गहरे कुओं के लिए निमज्जनीय पम्पसेट	भा मा : 14220 : 1994
52.	6506668	26-4-2005	श्री कोटा डायमंड एण्ड ज्वेलरी, डोर नं. 380, क्रास कट रोड, राम नगर, कोयम्बतूर-641 009.	स्वर्ण एवं स्वर्ण मिश्रधातुएं, आभूषण/ शिल्पकारी शुद्धता एवं मोहरांकन	भा मा : 1417 : 1999
53.	6507367	2-5-2005	सन प्लास्टिक्स, नं. 6/11, डी-1, मेइन रोड, पल्लगाडंडन पालयम, पेरुन्दुरै तालुक, ईरोड-638 056.	पेयजल आपूर्ति के लिए यूपीविसी पाइप्स	भा मा : 4985 : 2000

1	2	3	4	5	6
54.	6508268	16-5-2005	डी.ए.आर. पेरडाइस, नं. 599, राजा स्ट्रीट, कोयम्बतूर-641 001.	स्वर्ण एवं स्वर्ण मिश्रधातुएं, आभूषण/ शिल्पकारी शुद्धता एवं मोहरांकन	भा मा : 1417 : 1999
55.	6508773	24-05-2005	कपिल अक्वा प्रोसेसर, नं. 325, पटेल रोड, राम नगर, कोयम्बतूर-641 009.	पैकेजबन्द पेयजल	भा मा : 14543 : 2004
56.	6509068	27-05-2005	पूर्णम बोवरेजस, प्लाट नं. 31-32, सिपकोट इन्डस्ट्रीयल एस्टेट, पेरुन्दुरै ईरोड-638 052.	पैकेजबन्द पेयजल	भा मा : 14543 : 2004
57.	6509169	30-05-2005	चित्तिरै तिरुणाल ज्वेलरी, नं. 1214, 1215, बिग बाजार स्ट्रीट, टाउन हॉल, कोयम्बतूर-641 001.	स्वर्ण एवं स्वर्ण मिश्रधातुएं आभूषण/ शिल्पकारी शुद्धता एवं मोहरांकन	भा मा : 1417 : 1999
58.	6509270	31-05-2005	श्री वराहियम्मन स्टील प्राइवेट लिमिटेड नं. 350-ए, सुब्रमणियमपालयम रोड, जी. एन. मिल्स पोस्ट, कोयम्बतूर-641 107	सामान्य संरचना इस्पात में पुनर्वैल्लन के लिए कार्बन ढलवां इस्पात बिलेट इंगोट, बिलेट, ब्लूम और स्लैब	भा मा : 2830 : 1992
59.	6510659	13-06-2005	एस. के. बी. इन्डस्ट्रीज, नं. 1198, दुरैस्वामि नायडु लेआउट, आवारमपालयम रोड, कोयम्बतूर —641 004	कृषि और जल आपूर्ति के लिए साफ ठंडे पानी के लिए बिजली के मोनोसेट पम्पस	भा मा : 9079 : 2002
60.	6511560	17-06-2005	कार्तिक एजन्सीस नं. 1178, अविनाशी रोड, पी.एन. पालयम, कोयम्बतूर —641037	सिंगल पेस छोटी एसो और यूनिवर्सल बिजली की मोटर	भा. मा : 996:1979
61.	6512158	22-06-2005	अक्वासब इन्जीनियरिंग यूनिट IV नेहरू कालोनी, जे.एन. पालयम, के. वडमदुरै पोस्ट, कोयम्बतूर —641 017	निमज्जनीय पंपसेट,	भा मा : 8034:2002
62.	6512259	25-06-2005	श्री. कृष्ण अक्वा मिनरल, नं. 606/2-ए, मधुवरायपूरम, कारण्या पोस्ट, साडिवयिल, कोयम्बतूर-641 114.	पैकेजबन्द पेयजल	भा मा : 14543:1998
63.	6513766	30-06-2005	अम्मन फूड प्रोडक्ट्स, नं. 3-187/5-ए, डा. राधाकृष्ण नगर, पिच्चमपालयम पुदूर, तिरुप्पूर—641 603.	पैकेजबन्द पेयजल	भा मा :14543:2004
64.	6514162	4-07-2005	ब्लू बुल होसियरीस, नं. 40-41, तटटान तोट्टम, कामराज रोड, तिरुप्पूर—641 604.	वस्त्रादि-सादी (सिंगल जर्सी) बुनी (निट्टेड), सूती बनियान	भा मा : 4964:2003

1	2	3	4	5	6
65.	6514465	05-07-2005	अग्रो पम्पइन्डस्ट्रीज, नं. 472, मणियकरमपालयम रोड, नल्लामपालयम, कोयम्बतूर—641 006.	गहरे कुओं के लिए निमज्जनीय पम्पसेट	भा मा : 14220:1994
66.	6515972	12-07-2005	अल्फा इन्जीनियरिंग इन्डस्ट्री, नं. 2-ए, छटा क्रास, बी, के, रोड, तण्णीर पन्दल, पीलमेडू, कोयम्बतूर—641 004.	गहरे कुओं के लिए निमज्जनीय पंपसेट्स	भा मा : 14220:1994
67.	6516065	13-03-2005	बेस्ट इन्जीनियर्स पम्पस प्राइवेट लिमिटेड नं. 59-बी, तडागम रोड, वेल्लांडिपालयम रोड, कोयम्बतूर—641 025.	गहरे कुओं के लिए निमज्जनीय पंपसेट्स	भा मा : 14220:1994
68.	6516671	20-07-2005	कोस्मिक इन्डस्ट्री, एस. एफ. नं. 489/2, निरु नगर, तीसरी स्ट्रीट, सेल्वपुरम बाई पास रोड, कोयम्बतूर—641 026.	कृषि और जलपूर्ति के लिए साफ और ठंडे पानी के बिजली के मोनोसेट पम्प	भा मा : 9079:2002
69.	6517067	25-07-2005	कोयम्बतूर इन्जीनियरिंग निगम, यूनिट-1, 25, पेरुमाल कोइल तोट्टम, पी.एन. पालयम रोड, गणपति, कोयम्बतूर—641 006.	गहरे कुओं के लिए निमज्जनीय पम्पसेट्स	भा मा : 14220:1994
70.	6518170	04-08-2005	अमूल्स स्क्रीन्स एंड पम्पस नं. 6/9, कुन्निनायकर तोट्टम, अत्तिपालयम रोड, चिन्नवेढम पट्टी, गणपति, कोयम्बतूर—641 006.	निमज्जनीय पंपसेट के मोटर	भा मा : 9283:1995
71.	6519172	12-08-2005	श्री. लक्ष्मी इन्डस्ट्रीज, एस. एफ. नं. 24, वे 25, डोर नं. 54-1, अत्तिपालयम रोड, चिन्नवेढम पट्टी पोस्ट, गणपति, कोयम्बतूर—641 006.	कृषि और जलपूर्ति के लिए साफ और ठंडे पानी के बिजली के मोनोसेट पम्प	भा मा : 9079:2002
72.	6519475	16-08-2005	अग्रो इन्जीनियर्स एंड ट्रेडर्स, नं. 162, वेंकटसामि रोड, पूर्व, आर. एस. पुरम, कोयम्बतूर—641 002.	फसल संरक्षण उपस्कर- शकर फहारा	भा मा : 3062:1995
73.	6519980	17-08-2005	पी. पी. पी. ज्वेलरी, नं. 17, पोन्न स्ट्रीट, ईरोड—638 001.	स्वर्ण एवं स्वर्ण मिश्रधातुएं, आभूषण/ शिल्पकारी शुद्धता एवं मोहरांकन	भा मा : 1417:1999
74.	6520864	23-08-2005	जे. के. पाइप्स, डोर नं. 30, जी.डी. मेइन रोड, गेटीचेवियूर, गोबी, ईरोड—638 110	पेयजल आपूर्ति के लिए यूपीवीसी पाइप्स	भा मा : 4985:2000
75.	6523163	9-9-2005	ब्रक्स इन्जीनियरिंग इन्डस्ट्रीज नं. 114-बी, वेलानकुरिच्ची रोड, तण्णीर पन्दल, पीलमेडू, कोयम्बतूर—641 004.	कृषि और जल पूर्ति के लिए साफ और ठंडे पानी के बिजली के मोनोसेट पम्प	भा मा : 9079:2002

1	2	3	4	5	6
76.	6523264	12-09-2005	एशिया इन्जीनियरिंग, एस. एफ. नं. 328, शार्प नगर वेस्ट, कालपट्टी रोड, कोयम्बतूर—641 035.	अपकेन्द्रीय जेट पम्प	भा मा : 12225:1997
77.	6526068	20-09-2005	आल्फा पम्प टेकनॉलाजी, एस. एफ. नं. 259, बी. ओ. सी नगर, वेलान्डीपालयम, कोयम्बतूर—641 025.	निमज्जनीय पंपसेट के मोटोर	भा मा : 9283:1995
78.	6527070	23-09-2005	येस्टीम इन्डस्ट्रीज, नं. 210-2, नेताजी नगर, नंजुडापुरम रोड, कोयम्बतूर—641 036.	गहरे कुओं के निमज्जनीय पंपसेट	भा मा : 14220:1994
79.	6528072	04-10-2005	कन्सन्स पाइप्स प्राइवेट लिमिटेड, नं. 31, पोदनूर मेइन रोड, वेल्ललूर, कोयम्बतूर—641 023.	बेद्युत संस्थापनों के तारनाली : भाग : 3	भा मा : 9537:भाग-3:1983
80.	6528678	05-10-2005	ए.ए. एजन्सी प्राइवेट लिमिटेड, नं. 17, सावित्री नगर, रामनाथपुरम, कोयम्बतूर—641 045.	पैकेजबन्द पेयजल	भा मा : 14543:2004
81.	6528375	05-10-2005	अहूरा वेल्लिंग एल्कट्रोड मेनुफैक्चर्स लिमिटेड, एस.एफ. नं. 139 व 144/3, तिरमलयमपालयम, कोयम्बतूर—641 105.	हस्त्य धातु आर्क वेल्लिंग के लिए आवृत्त कार्बन और कार्बन मैंगनीज इस्पात इलैक्ट्रोड	भा मा : 814:2004
82.	6529276	13-10-2005	बेस्ट इन्जीनियरिंग कम्पनी, नं. 146/65, इलंगो नगर, के. आर. पुरम, कोयम्बतूर—641 006,	कृषि और जलपूर्ति के लिए साफ और ठंडे पानी के बिजली के मोनोसेट पम्प	भा मा : 9079:2002
83.	6531667	31-10-2005	चित्रा एंड को, नं. 64/1-बी, सातबूर कलम, चिन्नियम पालयम पोस्ट, ईरोड—638 104.	पैकेजबन्द पेयजल	भा मा : 14543:2004
84.	6532467	8-11-2005	एम्पर अक्वा फार्मस, डोर नं. 3-ए, 100 फीट, न्यू ग्नीम रोड, धनलक्ष्मी नगर, न्यू सिद्धापुरदूर, कोयम्बतूर—641 044.	पैकेजबन्द पेयजल	भा मा : 14543:2004
85.	6532568	8-11-2005	गणपति एम्स, नं. 106, रामानुज नगर, कामराजर रोड, उप्पिलीपालयम, कोयम्बतूर—641 015.	निमज्जनीय पंपसेट्स के मोटोर	भा मा : 9283:1995
86.	6532669	8-11-2005	गणपति पम्प्स, नं. 106, रामानुज नगर, कामराजर रोड, उप्पिलीपालयम, कोयम्बतूर—641 015.	निमज्जनीय पंपसेट	भा मा : 8034:2002

1	2	3	4	5	6
87.	6532770	8-11-2005	गणपति पम्पस, नं./106, रामानुज नगर, कामराजर रोड, उप्पिलीपालयम, कोयम्बतूर—641 015.	गहरे कुओं के लिए निमज्जनीय पम्पसेट	भा मा:14220:1994
88.	6532972	9-11-2005	रमेश हाइटेक पम्पस प्राइवेट लिमिटेड, नं. 1040, भारतीयार रोड, पी. एन. पालयम, कोयम्बतूर—641 037.	गहरे कुओं के लिए निमज्जनीय पम्पसेट	भा मा:14220:1994
89.	6533368	16-11-2005	एशिया इन्जीनियरिंग, एस. एफ. नं./328, शार्प नगर वेस्ट, कोयम्बतूर—641 035.	कृषि और जलपूर्ति के लिए साफ, ठंडे पानी के लिए बिजली के मोनोट पम्प	भा मा:9079:2002
90.	6534572	25-11-2005	अम्बाल मोटोर्स व पम्पस, एस. एफ. नं./162/2, कामधेनु नगर, ग्रास हिल रोड, के. आर. पुरम, आवारमपालयम, कोयम्बतूर—641 006.	साफ ठंडे पानी के लिए पुनरुत्पादक अपकेन्द्रीय पम्पस	भा मा:8472:1998

[सं. सी एम डी/13:11]

एस. एम. भाटिया, उप महानिदेशक (मुहर)

New Delhi, the 19th January, 2006

S.O. 337.—In Pursuance of Sub-regulation (5) of the Bureau of Indian Standards (Certification) Regulation 1988 of the Bureau of Indian Standards, hereby notifies the grant of licence particular of which are given in the following schedule :—

SCHEDULE

Sl. No.	Licence No.	Operative date	Name and Address (Factory) of the Party	Title of the Standard	IS No. Part/Sec. Year
1	2	3	4	5	6
1.	6474681	22-09-2004	Bharath Agro Pipes 249, Palakkad Main Road Kuniamuthur Coimbatore—641 008	Irrigation Equipment Polyethylene Pipes for Irrigation Laterals	IS 12786 : 1989
2.	6474378	22-09-2004	Zenith Industrials 1316-Avinashi Road, Peelamedu, Coimbatore—641 008	Openwell Submersible Pumpsets	IS 14220 : 1994
3.	6475683	28-09-2004	Suzuki Enterprises 1507-Avinashi Road, Opp. National Model School, PF Quarters Road Coimbatore—641 008	Electric Monoset Pumps for Clear. Cold Water for Agricultural and Water Supply Purposes	IS 9079 : 2002
4.	6475582	28-09-2004	Cheran Industries 439/3A, 1B, Mulaai Thottam, Athipalayam Road, Ganapathy Coimbatore—641 008	Openwell Submersible Pumpsets	IS 14220 : 1994

1	2	3	4	5	6
5.	6477081	12-10-2004	Shri Murugan Trading Company No. 78, New Kiranatham Road, Saravanampatty, Coimbatore—641 035	Submersible Pumpsets	IS 8034 : 2002
6.	6477182	12-10-2004	Shri Murugan Trading Company No. 78, New Kiranatham Road, Saravanampatty, Coimbatore—641 035	Motors for Submersible Pumpsets	IS 9283 : 1995
7.	6477384	13-10-2004	Samson Industries 143-D, Trichy Road Bhagat Sing Nagar, Suler, Coimbatore—641 402.	Submersible Pumpsets	IS 8034 : 2002
8.	6477283	13-10-2004	Bharat Agro Pipes 249, Palakkad Main Road Kuniamuthur Coimbatore—641 008	HDPE pipes for water supply	IS 4984 : 1995
9.	6478588	26-10-2004	Sabari Diamonds & Jewels No. 6, Sabari Street, Binny Compound, Kumaran Road, Tirupur.	Gold and gold alloys, Jewellery/ artifacts-fineness and marking	IS 1417 : 1999
10.	6478891	28-10-2004	Vei-Tech Engineering 23 Andal Nagar, Masakkali Palayam road, Uppilipalayam P O, Coimbatore—641 015	Motors for Submersible Pumpsets	IS 9283 : 1995
11.	6478992	28-10-2004	Vei-Tech Engineering 23 Andal Nagar, Masakkali Palayam Road, Uppilipalayam P O, Coimbatore—641 015	Submersible Pumpsets	IS 8034 : 2002
12.	6479792	08-11-2004	J K Industries 22-B, Nava India Road, Peelamedu, Coimbatore—641 004	Centrifugal regenerative pumps for clear, cold water	IS 8472 : 1998
13.	6480070	11-11-2004	Raniya Industrials SF No. 272/B-2, Chinmya Nagar, Thondamuthur Road, Vadavalli, Coimbatore—641 041	Centrifugal regenerative pumps for clear, cold water	IS 8472 : 1998
14.	6479994	11-11-2004	Pravin Engineering 2234-A, Trichy Road Singanallur Coimbatore—641 005	Low-Voltage Switchgear and Controlgear-Part 4: Contractors and Motor- Starters-Section 1 : Electromechanical Contactors and Motor Starters	Is 13947 : Part 4 : Sec 1 : 1993
15.	6480474	24-11-2004	K.M.P. Industries SF No. 166/3A, P.N. Palayam Road, Gandhi Nagar, Ganapathy, Coimbatore-641006	Centrifugal regenerative pumps for clear, cold water	IS 8472 : 1998
16.	6881173	29-11-2004	Ellai Lakshmi Monoset Private Limited, 32, SIDCO Industrial Estate, Kurichi, Coimbatore—641 021	Horizontal Centrifugal Pumps for Clear, Cold Water—Part 1 : Agricul- tural and Rural Water Supply Purposes	IS 6595 : Part 1 : 2002

1	2	3	4	5	6
17.	6481779	01-12-2004	Coimbatore Engineering Corporation, Unit-I, 25, Perumal Koil Thottam, P.N. Palayam Road, Ganapathy, Coimbatore-641006	Submersible Pumpsets	IS 8034 : 2002
18.	6481880	01-12-2004	Coimbatore Engineering Corporation, Unit-I, 25, Perumal Koil Thottam, P.N. Palayam Road, Ganapathy, Coimbatore-641006	Motors for Submersible Pumpsets	IS 9283 : 1995
19.	6481981	01-12-2004	Kumaran Gems and Jewells, 331, Raja Street, Coimbatore-641001	Gold and gold alloys, Jewellery/artifacts-fineness and marking	IS 1417 : 1999
20.	6482579	03-12-2004	Anbu Thanga Maalikai, 30, Sathy Main Road, Near Anbu Bhavan, Gobichettipalayam-638476	Gold and gold alloys, Jewellery/artifacts-fineness and marking	IS 1417 : 1999
21.	6483985	08-12-2004	Jaghas Engg. Equipments, Unit-III, 167, Ammankulam Road, P.N. Palayam, Coimbatore-641037	Motors for Submersible Pumpsets	IS 9283 : 1995
22.	6484078	08-12-2004	Jaghas Engg. Equipments, Unit-III, 167, Ammankulam Road, P.N. Palayam, Coimbatore-641037	Submersible Pumpsets	IS 8034 : 2002
23.	6484179	08-12-2004	Aridas And Co. No. 48, Sri Nagar, Peelamedu, Coimbatore-641004	Centrifugal regenerative pumps for clear, cold water	IS 8472 : 1998
24.	6485484	13-12-2004	Gangottree Pumps, 21-B, Bagat Singh Street, Varatharajapuram Medu, Upplipalayam P.O., Coimbatore-641015	Centrifugal regenerative pumps for clear, cold water	IS 8472 : 1998
25.	6485888	14-12-2004	Gowmathy Metal Industries, SF 71, Kuttai Thottam, Arumuga Goundanoor, Perur, Chettipalayam, Coimbatore-64107	Aluminium conductors for overhead transmission purposes : Part 4 Aluminium alloy stranded conductors (aluminium magnesium silicon type)	IS 398 (Part 4) : 1994
26.	6486385	15-12-2004	M.V. Exports, 36-B, Ist Street, Ram Nagar, Tirupur-641602	Textiles-Vests, Cotton, plain (single jersey) knitted	IS 4964 : 2003
27.	6488086	23-12-2004	Chalenger Pumps India Private Limited, No. 79, Athipalayam Road, Chinnavedampatti, Ganapathy (P.O.), Coimbatore-641006	Submersible Pumpsets	IS 8034 : 2002
28.	6488187	23-12-2004	Chalenger Pumps India Private Limited, No. 79, Athipalayam Road, Chinnavedampatti, Ganapathy (P.O.), Coimbatore-641006	Motors for Submersible Pumpsets	IS 9283 : 1995

1	2	3	4	5	6
29.	6490174	05-01-2005	Gupta Gem Jewellers, 56, Bazaar Street, Gobichettipalayam, Erode-638452	Gold and gold alloys. Jewellery/artifacts-fineness and marking	IS 1417 : 1999
30.	6490073	18-01-2005	Dhamichettiyar Nagai Maligai, 70, Cutchery Street, Gobichettipalayam, Erode-638452	Gold and gold alloys. Jewellery/artifacts-fineness and marking	IS 1417 : 1999
31.	6490679	24-01-2005	Sarabesh Water Technologies Co., 73/2, Chekku Thottam, Kamarajar Road, No. 4, Veerapandi, Coimbatore-641019	Packaged Drinking Water	IS 14543 : 2004
32.	6490780	24-01-2005	Sai Aqua Farms, Velayutham Pillai Street, Sundakkamuthur, Coimbatore-641010	Packaged Drinking Water	IS 14543 : 2004
33.	6490376	24-01-2005	Sree Raghuram Jewellers, 22, Mndachur Road, Opp. Nagaiya Theatre, Gobichettipalayam-638452	Gold and gold alloys. Jewellery/artifacts-fineness and marking	IS 1417 : 1999
34.	6490477	24-01-2005	Kalyan Jewellers, 5th Cross, 100 Ft. Road, Gandhipuram, Coimbatore-641012	Gold and gold alloys Jewellery/artifacts-fineness and marking	IS 1417 : 1999
35.	6492784	31-01-2005	Finetech Pipe Products, 1/294 (9, 10), SF No. 96/2B&4, Puliampatti Main Road, Polavapalayam, Nambiyur, Gobi, Erode-638458	UPVC pipes for potable water supplies	IS 4985 : 2000
36.	6494081	11-02-2005	Mira Pumps, 1, Siva Nagar-II, Uppilipalayam Post, Coimbatore-641015	Submersible Pumpsets	IS 8034 : 2002
37.	6494182	11-02-2005	Mira Pumps, 1, Siva Nagar-II, Uppilipalayam Post, Coimbatore-641015	Motors for Submersible Pumpsets	IS 9283 : 1995
38.	6494185	14-02-2005	Mahendra Submersible Pumps Pvt. Ltd., 428/2, Kalapatti Road, Coimbatore-641035	Openwell Submersible Pumpsets	IS 14220 : 1994
39.	6494384	14-02-2005	Hari Industries, SF 135 B/1, Chinnathottam, Chinnavedampatti, Coimbatore-641006	Openwell Submersible Pumpsets	IS 14220 : 1994
40.	6495083	16-02-2005	Vikram Pumps, SF No. 483/2-C, 4-A, Ellai Thottam, Near Krishnammal College Compound, Pelamedu, Coimbatore-641004	Openwell Submersible Pumpsets	IS 14220 : 1994
41.	6495386	18-02-2005	Aquatec Engineers, 556/1, Avanashi Road, Pelamedu Post, Coimbatore-641004	Openwell Submersible Pumpsets	IS 14220 : 1994

1	2	3	4	5	6
42.	6496186	23-02-2005	Salzer Electronics Limited, Samichettipalayam, Jothipuram, Coimbatore-641047	Switches for domestic and similar purposes	IS 3854 : 1997
43.	6496489	24-02-2005	Kavin Pipes, New D. No. 30, Old D. No. 5, S.F. No. 333/6B, Gobi Dharapuram Main Road, Getticheviyur, Nambiyur Block, Erode-638110	HDPE pipes for water supply	IS 4984 : 1995
44.	6497491	03-03-2005	Micro Equipments, # 15, 10th Street, Jothi Nagar, Uppilipalayam Post, Coimbatore-641015	Submersible Pumpsets	IS 8034 : 2002
45.	6497693	03-03-2005	Micro Equipments, # 15, 10th Street, Jothi Nagar, Uppilipalayam Post, Coimbatore-641015	Motors for Submersible Pumpsets	IS 9283 : 1995
46.	6497592	03-03-2005	Annamar Aqua A Products, 93/1, Cavery Road, Veerappan Chattram, Erode-638004	Packaged Drinking Water	IS 14543 : 2004
47.	6498089	07-03-2005	Aquasub Engineering, Thudiyalur Post, Coimbatore-641034	Motors for Submersible Pumpsets	IS 9283 : 1995
48.	6504462	08-04-2005	S.S.D. Industries, 112-B, Thanneer Pandal, 7th Cross, Peeliamedu, Coimbatore-641004	Centrifugal regenerative pumps for clear, cold water	IS 8472 : 1998
49.	6505767	18-04-2005	Harson Pumps, SF No. 771/1B, Kalapatti Road, Nehru Nagar, Civil Aerodrome (P.O.), Coimbatore-641014	Submersible Pumpsets	IS 8034 : 2002
50.	6505868	18-04-2005	Harson Pumps, SF No. 771/1B, Kalapatti Road, Nehru Nagar, Civil Aerodrome (P.O.), Coimbatore-641014	Motors for Submersible Pumpsets	IS 9283 : 1995
51.	6506365	25-04-2005	Prompt Submersible Systems, SF No. 359, Elgi Industrial Complex, Trichy Road, Singanallur, Coimbatore-641005	Openwell Submersible Pumpsets	IS 14220 : 1994
52.	6506668	26-04-2005	Sree Kota Diamond & Jewellery, Door No. 380, Cross Cut Road, Ram Nagar, Coimbatore-641009	Gold and gold alloys Jewellery/artifacts-fineness and marking	IS 1417 : 1999
53.	6507367	02-05-2005	Sun Plastics, D. No. 6/11, D1, Main Road, Pallagounenpalayam, Perunduria Taluk, Erode-638056	UPVC pipes for potable water supplies	IS 4985 : 2000
54.	6508268	16-05-2005	D.A.R. Paradise 599, Raja Street, Coimbatore-641001	Gold and gold alloys Jewellery/artifacts-fineness and marking	IS 1417 : 1999
55.	6508773	24-05-2005	Kapil Aqua Processor, 325, Patel Road, Ram Nagar, Coimbatore-641009	Packaged Drinking Water	IS 14543 : 2004

1	2	3	4	5	6
56.	6509068	22-05-2005	Poornam Beverages Pvt. Ltd., Plot No. C 31 & 32, SIPCOT Industrial Growth Centre, Perundurai Erode-638052	Packaged Drinking Water	IS 14543 : 2004
57.	6509169	30-05-2005	Chithirai Thirunaal Jewellery 1214, 1215, Big Bazaar Street, Town Hall, Coimbatore-641001	Gold and gold alloys. Jewellery/artifacts-fineness and marking	IS 1417 : 1999
58.	6509270	31-05-2005	Sri Varahiamman Steels Pvt. Ltd., 350A, Subramaniampalayam Road, G. N. Mills Post, Coimbatore-641007	Carbon steel cast billet ingots, billets, blooms and slabs for re-rolling into steel for general structural purposes	IS 2830 : 1992
59.	6510659	13-06-2005	S.K.B. Industries, 119, Duraiswamy Naidu Layout, Avarampalayam Road, Coimbatore-641004	Electric Monoset Pumps for Clear, Cold Water for Agricultural and Water Supply Purposes	IS 9079 : 2002
60.	6511560	17-06-2005	Karthik Agencies, 1178, Avinashi Road, P.N. Palayam, Coimbatore-641037	Single-phase small ac and universal electric motors	IS 996 : 1979
61.	6512158	22-06-2005	Aquasub Engineering, Unit IV, Nehru Colony, J.N. Palayam, K. Vadamadurai Post, Coimbatore-641017	Submersible Pumpsets	IS 8034 : 2002
62.	6512259	25-06-2005	Sri Krishna Aqua Mineral, 606/2A, Mathuvarayapuram, Karunya Post, Sadiyayil, Coimbatore-641114	Packaged Drinking Water	IS 14543 : 1998
63.	6513766	30-06-2005	Amman Food Products, 3/187-5A, Dr. Radhakrishnan Nagar, Pichampalayam Pudur, Tirupur-641603	Packaged Drinking Water	IS 14543 : 2004
64.	6514162	04-07-2005	Blue Bull Hosieries, 40/41, Thattan Thottam, Kamaraj Road, Tirupur-641604	Textiles—Vests, Cotton, plain, (single jersey) knitted	IS 4964 : 2003
65.	6514465	05-07-2005	Agri Pump Industries, 472, Maniyakarampalayam Road, Nallanpalayam, Coimbatore-641006	Openwell Submersible Pumpsets	IS 14220 : 1994
66.	6515972	12-07-2005	Alfaa Engineering Industry, No. 2A, 6th Cross, V.K. Road, Thaneer Pandal, Peclainedu, Coimbatore-641004	Openwell Submersible Pumpsets	IS 14220 : 1994
67.	6516065	13-07-2005	Best Engineers Pumps Pvt. Ltd., 59-B, Thadagam Road, Velandipalayam, Coimbatore-641025	Openwell Submersible Pumpsets	IS 14220 : 1994
68.	6516671	20-07-2005	Cosmik Industry, SF 489/2, Thiru Nagar, 3rd Street, Selvapuram Bye Pass Road, Coimbatore-641026	Electric Monoset Pumps for Clear, Cold Water for Agricultural and Water Supply Purposes	IS 9079 : 2002
69.	6517067	25-07-2005	Coimbatore Engineering Corporation, Unit-I, 25, Perumal Koil Thottam, P.N. Palayam Road, Ganapathy, Coimbatore-641006	Openwell Submersible Pumpsets	IS 14220 : 1994

1	2	3	4	5	6
70.	6518170	04-08-2005	Amuls Screens And Pumps, 6/9, Kunninaicker Thottam, Athipalayam Road, Chinnavedampatti, Ganapathy (PO), Coimbatore-641006	Motors for Submersible Pumpsets	IS 9283 : 1995
71.	6519172	12-08-2005	Sree Lakshmi Industries, SF No. 24 and 25, Door No. 54/1, Athipalayam Road, Chinnavedampatti (P.O.), Ganapathy, Coimbatore-641006	Electric Monoset Pumps for Clear, Cold Water for Agricultural and Water Supply Purposes	IS 9079 : 2002
72.	6519475	16-08-2005	Agro Engineers & Traders, 162, Venkatasamy Road East, R.S. Puram, Coimbatore-641002	Crop Protection Equipment— Rocker Sprayer	IS 3062 : 1995
73.	6519980	17-08-2005	P.P.P. Jewellery, No. 17, Ponn Street, Erode-638001	Gold and gold alloys, Jewellery/artifacts-fineness and marking	IS 1417 : 1999
74.	6520864	23-08-2005	J.K. Pipes, D. No. 30, G.D. Main Road, Getticheviyur, Gobi (Tk), Erode-638110	UPVC pipes for potable water supplies	IS 4985 : 2000
75.	6523163	09-09-2005	Brooks Engineering Industries, 114B, Velankurichi Road, Thanneer Pandhal, Peelamedu, Coimbatore-641004	Electric Monoset Pumps for Clear, Cold Water for Agricultural and Water Supply Purposes	IS 9079 : 2002
76.	6523264	12-09-2005	Asia Engineering, SF No. 328, Sharp Nagar West, Kalapatti Road, Coimbatore-641035	Centrifugal jet pump	IS 12225 : 1997
77.	6526068	20-09-2005	Alpha Pump Technologies, SF No. 259, V.O.C. Nagar, Velandipalayam, Coimbatore-641025	Motors for Submersible Pumpsets	IS 9283 : 1995
78.	6527070	23-09-2005	Yesteem Industries, 210/2, Neethaji Nagar, Najundapuram Road, Coimbatore-641036	Openwell Submersible Pumpsets	IS 14220 : 1994
79.	6528072	04-10-2005	Kunsons Pipes Private Limited, 31, Podanur Main Road, Vellalore Coimbatore-641111	Conduits for electrical installations : Part 3 Rigid plain conduits of insulating materials	IS 9537 : Part 3 : 1983
80.	6528678	05-10-2005	A.A. Agencies (Cbe) Pvt. Ltd., 17, Savithri Nagar, Ramanathapuram, Coimbatore-641045	Packaged Drinking Water	IS 14543 : 2004
81.	6528375	05-10-2005	Ahura Welding Electrode Mrfs. Ltd., SF No. 139 & 144/3, Thirumalayampalayam, Coimbatore-Palghat Main Road, Coimbatore-641105	Covered electrodes for manual metal arc welding of carbon and carbon manganese steel	IS 814 : 2004
82.	6529276	13-10-2005	Best Engineering Company, 146/65, Elango Nagar, K. R. Puram, Coimbatore-641006	Electric Monoset Pumps for Clear, Cold Water for Agricultural and Water Supply Purposes	IS 9079 : 2002
83.	6531667	31-10-2005	Chitra & Co., 64/1B, Sathambur Kalam Sathambur Chinnian Palayan (P.O.), Modakurichi (Via), Erode-638104	Packaged Drinking Water	IS 14543 : 2004

1	2	3	4	5	6
84.	6532467	08-11-2005	Emperor Aqua Farms, Door No. 3-A, 100 Feet New Scheme Road, Dhanalakshmi Nagar, New Sidhapudur, Coimbatore-641 044	Packaged Drinking Water	IS 14543 : 2004
85.	6532568	08-11-2005	Ganapathy Pumps, 106. Ramanuja Nagar, Kamarajar Road, Uppilipalayam, Coimbatore-641 015	Motor for Submersible Pumpsets	IS 9283 : 1995
86.	6532669	08-11-2005	Ganapathy Pumps, 106. Ramanuja Nagar, Kamarajar Road, Uppilipalayam, Coimbatore-641 015	Submersible Pumpsets	IS 8034 : 2002
87.	6532770	08-11-2005	Ganapathy Pumps, 106. Ramanuja Nagar, Kamarajar Road, Uppilipalayam, Coimbatore-641 015	Openwell Submersible Pumpsets	IS 14220 : 1994
88.	6532972	09-11-2005	Ramesh Hitech Pumps Pvt. Ltd., 1040, Bharathiyar Road, , P.N. Palayam, Coimbatore-641 037	Openwell Submersible Pumpsets	IS 14220 : 1994
89.	6533368	16-11-2005	Asia Engineering, SF No. 328, Sharp Nagar West Kalapatti Road, Coimbatore-641035	Electric Monoset Pumps for Clear, Cold Water for Agricultural and Water Supply Purposes	IS 9079 : 2002
90.	6534572	25-11-2005	Ambal Motors & Pumps, SF No. 162/2, Kamadheenu Nagar, Grass Hills Road, K. R Puram, Coimbatore-641 006	Centrifugal regenerative pumps for clear, cold water	IS 8472 : 1998

[No. CMD/13 : 11]

S. M. BHATIA, Dy. Director General (Marks)

नई दिल्ली, 17 जनवरी, 2006

का.आ. 338.— केन्द्रीय सरकार को लोकहित में यह आवश्यक प्रतीत होता है कि मध्य प्रदेश राज्य में जगोटी-पीथमपुर आर-एलएनजी पाइपलाइन परियोजना तथा प्राकृतिक गैस के परिवहन के लिए गेल (इंडिया) लिमिटेड द्वारा, एक पाइपलाइन बिछाई जानी चाहिए;

और केन्द्रीय सरकार को उक्त पाइपलाइन बिछाने के प्रयोजन के लिए यह आवश्यक प्रतीत होता है, कि उस भूमि में, जिसमें उक्त पाइपलाइन बिछाए जाने का प्रस्ताव है और जो इस अधिसूचना से संलग्न अनुसूची में वर्णित है, उपयोग के अधिकार का अर्जन किया जाए;

अतः, अब, केन्द्रीय सरकार, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उस भूमि में उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा करती है;

कोई व्यक्ति, जो उक्त अनुसूची में वर्णित भूमि में हितबद्ध है, उस तारीख से जिसको उक्त अधिनियम की धारा 3 की उपधारा (1) के अधीन भारत के राजपत्र में यथा प्रकाशित इस अधिसूचना की प्रतियाँ साधारण जनता को उपलब्ध करा दी जाती हैं, इक्कीस दिन के भीतर, भूमि के नीचे पाइपलाइन बिछाए जाने के संबंध में, श्री एन.के. परचुरे, सक्षम प्राधिकारी, गेल (इण्डिया) लिमिटेड, नानाखेड़ा, सानवर रोड, उज्जैन-456 010 (म.प्र.) को लिखित रूप में आपेक्ष भेज सकेगा।

अनुसूची

जिला	तहसील	गाँव	सर्वे नं.	आर.ओ. यू. अर्जित करने के लिए क्षेत्रफल (हेक्टेयर में)
(1)	(2)	(3)	(4)	(5)
उज्जैन	उज्जैन	मोरू- खेड़ी	3	0.03
			26	0.03
			34	0.13
			35	0.10
			36	0.07
			30	0.20
			38	0.37
			66	0.03
			65	0.60
			77	0.05
			78	0.01
			79	0.31
			81	0.12
			83	0.38
			84/2	0.06
			85	0.03
			86	0.15
			33	0.01
			योग	2.68

(1)	(2)	(3)	(4)	(5)
उज्जैन	उज्जैन	जेवन्तपुर	1	0.07
			7	0.04
			12	0.16
			13/1/2	0.07
			13/1/4	0.08
			13/1/6	0.11
			13/2	0.09
			14	0.21
			15/1	0.10
			15/2	0.10
			16	0.25
			18/1/1	0.10
			18/1/2	0.16
			18/2	0.24
			19/2	0.39
			19/1	0.01
			20	0.10
			56/1	0.12
			58/2	0.11
			58/1	0.22
			56/3	0.02
			57	0.21
			62	0.17
			67	0.06
			69	0.66
			78/1	0.10
		योग	3.95	

[फा. सं. एल-14014/1/05-जी.पी. (भाग-1)]

एस.बी. मण्डल, अवर सचिव

New Delhi, the 17th January, 2006

S.O. 338.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transportation of natural gas from Jagoti-Pithampur R-LNG pipeline project in the State of Madhya Pradesh, a pipeline should be laid by the GAIL (India) Limited;

And, whereas it appears to the Central Government that for the purpose of laying the said pipeline, it is necessary to acquire the Right of User in the land under which the said pipeline is proposed to be laid and which is described in the Schedule annexed to this notification;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein.

Any person interested in the land described in the said Schedule may, within twenty one days from the date on which the copies of the notification issued under sub-section (1) of section 3 of the said Act, as published in the Gazette of India are made available to the general public, object in writing to the laying of the pipeline under the land to Shri K. K. Parchure, Competent Authority, GAIL (India) Limited, Nanakheda, Sanwar Road, Ujjain-456 010 (M.P.).

SCHEDULE				
Distt.	Tehsil	Village	Survey No.	Area to be Acquired for R.O.U. (In Hectares)
1	2	3	4	5
Ujjain	Ujjain	Moru	3	0.03
		Kheri	26	0.03
			34	0.13
			35	0.10
			36	0.07
			30	0.20
			38	0.37
			66	0.03
			65	0.60
			77	0.05
			78	0.01
			79	0.31
			81	0.12
			83	0.38
			84/2	0.06
			85	0.03
			86	0.15
			33	0.01
		Total		2.68
	Jaiwanth-	1		0.07
	pur	7		0.04
		12		0.16
		13/1/2		0.07
		13/1/4		0.08
		13/1/6		0.11
		13/2		0.09
		14		0.21
		15/1		0.10
		15/2		0.10
		16		0.25
		18/1/1		0.10
		18/1/2		0.16
		18/2		0.24
		19/2		0.39
		19/1		0.01
		20		0.10
		56/1		0.12
		58/2		0.11
		58/1		0.22
		56/3		0.02
		57		0.21
		62		0.17
		67		0.06
		69		0.66
		78/1		0.10
		Total		3.95

[F. No. L-14014/1/05-G.P. (Pl-I)]

S.B. MANDAL, Under Secy.

नई दिल्ली, 24 जनवरी, 2006

का. आ. 339.— केन्द्रीय सरकार ने पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) (जिसे इसमें इसके पश्चात उक्त अधिनियम कहा गया है) की धारा 3 की उपधारा (1) के अधीन जारी की गई भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना संख्या का. आ. 1707 तारीख 4 मई, 2005, जो भारत के राजपत्र तारीख 7 मई, 2005 में प्रकाशित की गई थी, द्वारा उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में महाराष्ट्र राज्य में लोनी (पुणे) से पकनी (सोलापुर) तक हजारवाडी के रास्ते पेट्रोलियम उत्पादों के परिवहन के लिए मुम्बई-पुणे पाइपलाइन विस्तार परियोजना के माध्यम से हिन्दुस्तान पेट्रोलियम कॉर्पोरेशन लिमिटेड द्वारा पाइपलाइन बिछाने के प्रयोजन के लिए उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा की थी ;

और उक्त राजपत्र अधिसूचना की प्रतियां जनता को तारीख 18 जुलाई, 2005 को उपलब्ध करा दी गई थीं ;

और सक्षम प्राधिकारी ने, उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन, केन्द्रीय सरकार को अपनी रिपोर्ट दे दी है ;

और केन्द्रीय सरकार ने, उक्त रिपोर्ट पर विचार करने के पश्चात, और यह समाधान हो जाने पर कि उक्त भूमि पाइपलाइन बिछाने के लिए अपेक्षित है, उसमें उपयोग के अधिकार का अर्जन करने का विनिश्चय किया है ;

अतः अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह घोषणा करती है कि इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में पाइपलाइन बिछाने के लिए उपयोग के अधिकार का अर्जन किया जाता है ;

और केन्द्रीय सरकार उक्त अधिनियम की धारा 6 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह निदेश देती है कि उक्त भूमि में उपयोग का अधिकार इस घोषणा के प्रकाशन की तारीख से केन्द्रीय सरकार में निहित होने की बजाए, सभी विल्लंगमों से मुक्त, हिन्दुस्तान पेट्रोलियम कॉर्पोरेशन लिमिटेड में निहित होगा।

अनुसूची							
तालुका : खानापुर			जिला : सांगली		राज्य : महाराष्ट्र		
क्रम सं.	गाव का नाम	सर्वे नंबर	गट नंबर	उप-ग्रुण्ड संख्या	क्षेत्रफल		
					हेक्टर	एयर	वर्ग मीटर
1	2	3	4	5	6	7	8
1	भालवणी		1082		00	26	00
			1130		00	01	26
			1150		00	01	12
			1547		00	00	30
			1523		00	06	94
			100		00	14	25

1	2	3	4	5	6	7	8
1	मालवणी (जोरी)...		101		00	01	25
			99		00	11	04
			95		00	18	00
			296		00	06	10
			313		00	03	41
				कुल	00	89	67
2	अलसुंद		224		00	13	47
			2192		00	01	75
				कुल	00	15	22
3	तांदुलवाडी		120		00	11	00
			112	8	00	00	60
			112	7	00	01	75
			112	5	00	01	00
			112	9	00	00	30
			212		00	00	60
			220		00	01	20
				कुल	00	16	45

[फा. सं. आर-31015/28/2004-ओ.आर-II]

हरीश कुमार, जवर सचिव

New Delhi, the 24th January, 2006

S.O. 339.— Whereas by notification of the Government of India in the Ministry of Petroleum and Natural Gas number S.O. 1707, dated the 4th May, 2005, issued under sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962) (hereinafter referred to as the said Act), published in the Gazette of India dated the 7th May, 2005, the Central Government declared its intention to acquire the right of user in the land, specified in the Schedule appended to that notification, for the purpose of laying an extension pipeline for transportation of petroleum products through Mumbai-Pune Pipeline Extension Project from Loni (Pune) to Pakni (Solapur) via Hazarwadi in the State of Maharashtra by Hindustan Petroleum Corporation Limited;

And whereas the copies of the said Gazette notification were made available to the public on the **18th July, 2005;**

And whereas the competent authority has, under sub-section (1) of section 6 of the said Act, submitted report to the Central Government;

And whereas the Central Government, after considering the said report and on being satisfied that the said land is required for laying the pipeline, has decided to acquire the right of user therein;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 6 of the said Act, the Central Government hereby declares that the right of user in the land specified in the Schedule, appended to this notification, is hereby acquired for laying the pipeline;

And further, in exercise of the powers conferred by sub-section (4) of section 6 of the said Act, the Central Government hereby directs that the right of user in the said land for laying the pipeline shall, instead of vesting in the Central Government, vest on the date of the publication of this declaration, in Hindustan Petroleum Corporation Limited, free from all encumbrances.

SCHEDULE

Taluka : KHANAPUR			District : SANGLI		State : MAHARASHTRA		
Sr. No.	Name of the Village	Survey No.	Gat No.	Sub-Division No.	Area		
					Hectare	Are	Sq.mt
1	2	3	4	5	6	7	8
1	BHALAVANI		1082		00	26	00
			1130		00	01	26
			1150		00	01	12
			1547		00	00	30
			1523		00	06	94
			100		00	14	25
			101		00	01	25
			99		00	11	04
			95		00	18	00
			296		00	06	10
			313		00	03	41
Total					00	89	67
2	ALSUND		224		00	13	47
			2192		00	01	75
Total					00	15	22
3	TANDULVADI		120		00	11	00
			112	8	00	00	60
			112	7	00	01	75
			112	5	00	01	00
			112	9	00	00	30
			212		00	00	60
			220		00	01	20
Total					00	16	45

[No. R-31015/28/2004-O.R.-II]

HARISH KUMAR, Under Secy.

नई दिल्ली, 24 जनवरी, 2006

का. आ. 340.— केन्द्रीय सरकार ने पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) (जिसे इसमें इसके पश्चात उक्त अधिनियम कहा गया है) की धारा 3 की उपधारा (1) के अधीन जारी की गई भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना संख्या का. आ. 3410 तारीख 23 सितम्बर, 2005, जो भारत के राजपत्र तारीख 24 सितम्बर, 2005 में प्रकाशित की गई थी, द्वारा उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में गुजरात राज्य में मुन्द्रा से दिल्ली तक पेट्रोलियम उत्पादों के परिवहन के लिए मुन्द्रा-दिल्ली पेट्रोलियम उत्पाद पाइपलाइन के माध्यम से हिन्दुस्तान पेट्रोलियम कॉर्पोरेशन लिमिटेड द्वारा पाइपलाइन बिछाने के प्रयोजन के लिए उपयोग के अधिकार का अर्जन के अपने आशय की घोषणा की थी ;

और उक्त राजपत्र अधिसूचना की प्रतियां जनता को तारीख 29 अक्टूबर, 2005 को उपलब्ध करा दी गई थीं ;

और सक्षम प्राधिकारी ने, उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन, केन्द्रीय सरकार को रिपोर्ट दे दी है ;

और केन्द्रीय सरकार ने, उक्त रिपोर्ट पर विचार करने के पश्चात, और यह समाधान हो जाने पर कि उक्त भूमि पाइपलाइन बिछाने के लिए अपेक्षित है, उसमें उपयोग के अधिकार का अर्जन करने का विनिश्चय किया है ;

अतः अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह घोषणा करती है कि इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में पाइपलाइन बिछाने के लिए उपयोग के अधिकार का अर्जन किया जाता है ;

और केन्द्रीय सरकार उक्त अधिनियम की धारा 6 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह निदेश देती है कि उक्त भूमि में उपयोग का अधिकार इस घोषणा के प्रकाशन की तारीख को केन्द्रीय सरकार में निहित होने के बजाए, इस मंत्रालय के सहमति पत्र सं. आर - 31015/7/03-ओ.आर.-II दिनांक 25/11/2004 द्वारा लगाई गई शर्तों के अध्वधीन सभी विल्लंगमों से मुक्त, हिन्दुस्तान पेट्रोलियम कॉर्पोरेशन लिमिटेड में निहित होगा।

अनुसूची

तालूका : सांतलपुर		जिला : पाटण		राज्य : गुजरात		
क्रम सं.	गाँव का नाम	खसरा सं.	उप खण्ड सं.	क्षेत्रफल		
				हेक्टेयर	एयर	वर्ग मीटर
1	2	3	4	5	6	7
1.	कल्याणपुरा	296	पी	0	01	14
		291	पी	0	15	46
		290	पी	0	15	32

[फा. सं. आर-31015/16/2004-ओ.आर II]

हरीश कुमार, अवर सचिव

New Delhi, the 24th January, 2006

S.O. 340. — Whereas by a notification of the Government of India in the Ministry of Petroleum and Natural Gas number S.O. 3410 dated the 23rd September, 2005, issued under sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962) (hereinafter referred to as the said Act), published in the Gazette of India dated the 24th September, 2005, the Central Government declared its intention to acquire the right of user in the land specified in the Schedule appended to that notification for the purpose of laying pipeline through Mundra-Delhi Petroleum Product Pipeline for transportation of petroleum products from Mundra in the State of Gujarat to Delhi by Hindustan Petroleum Corporation Limited;

And whereas copies of the said Gazette notification were made available to the public on the 29th October, 2005;

And whereas the competent authority has, under sub-section (1) of section 6 of the said Act, submitted report to the Central Government;

And whereas the Central Government, after considering the said report and on being satisfied that the said land is required for laying the pipeline, has decided to acquire right of user therein;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 6 of the said Act, the Central Government hereby declares that the right of user in the land specified in the Schedule, appended to this notification, is hereby acquired for laying the pipeline;

And further, in exercise of the powers conferred by sub-section (4) of section 6 of the said Act, the Central Government hereby directs that the right of user in the said land for laying the pipeline shall, instead of vesting in the Central Government, vest on the date of publication of declaration, in Hindustan Petroleum Corporation Limited free from all encumbrances, subject to the conditions imposed vide this Ministry's consent letter No.R-31015/7/03-O.R.- II dated 25-11-2004.

SCHEDULE

Taluk : SANTALPUR		District : PATAN		State : GUJARAT		
Sr. No.	Name of Village	Survey no.	Sub-Division No.	Area		
				Hectare	Are	Square Metre
1	2	3	4	5	6	7
1.	KALYANPURA	296	P	0	01	14
		291	P	0	15	46
		290	P	0	15	32

[No. R-31015/16/2004-O.R.-II]
HARISH KUMAR, Under Secy.

नई दिल्ली, 27 जनवरी, 2006

का. आ. 341.— केन्द्रीय सरकार ने पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) (जिसे इसमें इसके पश्चात् उक्त अधिनियम कहा गया है) की धारा 3 की उपधारा (1) के अधीन जारी की गई भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना संख्या का. आ. 3571 तारीख 3 अक्टूबर, 2005, जो भारत के राजपत्र तारीख 8 अक्टूबर, 2005 में प्रकाशित की गई थी, द्वारा उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में मुन्द्रा-दिल्ली पेट्रोलियम उत्पाद पाइपलाइन के माध्यम से गुजरात राज्य में मुन्द्रा से दिल्ली तक पेट्रोलियम उत्पादों के परिवहन के लिए हिन्दुस्तान पेट्रोलियम कॉर्पोरेशन लिमिटेड द्वारा पाइपलाइन बिछाने के प्रयोजन के लिए उपयोग के अधिकार का अर्जन के अपने आशय की घोषणा की थी ;

और उक्त राजपत्र अधिसूचना की प्रतियां जनता को तारीख 16 नवम्बर, 2005, को उपलब्ध करा दी गई थीं ;

और सशम प्राधिकारी ने, उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन, केन्द्रीय सरकार को रिपोर्ट दे दी है ;

और केन्द्रीय सरकार ने, उक्त रिपोर्ट पर विचार करने के पश्चात्, और यह समाधान हो जाने पर कि उक्त भूमि पाइपलाइन बिछाने के लिए अपेक्षित है, उसमें उपयोग के अधिकार का अर्जन करने का विनिश्चय किया है ;

अतः अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह घोषणा करती है कि इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में पाइपलाइन बिछाने के लिए उपयोग के अधिकार का अर्जन किया जाता है ;

और केन्द्रीय सरकार उक्त अधिनियम की धारा 6 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह निदेश देती है कि उक्त भूमि में उपयोग का अधिकार इस घोषणा के प्रकाशन की तारीख को केन्द्रीय सरकार में निहित होने के बजाए, इस मंत्रालय के सहमति पत्र सं. आर - 31015/7/03 ओ.आर-II दिनांक 25/11/2004 द्वारा लगाई गई शर्तों के अध्याधीन सभी विल्लंगमों से मुक्त, हिन्दुस्तान पेट्रोलियम कॉर्पोरेशन लिमिटेड में निहित होगा।

अनुसूची

तहसील: पंजाबीबाग		जिला: रामपुरा		राज्य: दिल्ली		
गाँव का नाम	हदबस्त संख्या	मुसतिल संख्या	खसरा/किला संख्या	श्रेत्रफल		
				हेक्टेयर	एयर	वर्गमीटर
1. टीकरी कला	120	6	18/2	00	00	25
			19	00	09	45
			22	00	04	90
			23	00	08	52
		15	3	00	06	40
			4	00	03	06
			6/2	00	00	25
			7	00	12	60
			14/1	00	02	52
			14/2	00	01	40
	18	19	15/1	00	05	22
			15/2	00	01	08
			24/2	00	00	25
			25	00	10	98
			4	00	00	25
			5	00	14	04
			6	00	02	62
			7/2	00	00	25
			8/3	00	00	25
			8/4	00	02	27

1	2	3	4	5	6	7
1. टीकरी कला जारी...	120	19	9/1	00	02	40
			9/2	00	10	44
			10/1	00	11	10
			10/2	00	00	80
			13	00	04	90
			14	00	00	25
			490	00	01	08
			500	00	10	80
			509	00	01	44
			1332	00	01	80
			1333	00	01	32
			1333/1	00	01	61
			1372	00	03	35
			1381	00	01	28

[फा. सं. आर-31015/4/2005-ओ.एच.सी.]

हरीश कुमार, अवर सचिव

New Delhi, the 27th January, 2006

S.O. 341.— Whereas by a notification of the Government of India in the Ministry of Petroleum and Natural Gas number S.O.3571 dated 3rd-October, 2005, issued under sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962) (hereinafter referred to as the said Act), published in the Gazette of India dated the 8th October, 2005, the Central Government declared its intention to acquire the right of user in the land specified in the Schedule appended to that notification for the purpose of laying pipeline for transportation of petroleum products from Mundra in the State of Gujarat to Delhi through Mundra-Delhi Petroleum Product Pipeline by Hindustan Petroleum Corporation Limited:

And whereas copies of the said Gazette notification were made available to the public on the 16th November, 2005;

And whereas the competent authority has, under sub-section (1) of section 6 of the said Act, submitted report to the Central Government;

And whereas the Central Government, after considering the said report and on being satisfied that the said land is required for laying the pipeline, has decided to acquire right of user therein;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 6 of the said Act, the Central Government hereby declares that the right of user in the land specified in the Schedule, appended to this notification, is hereby acquired for laying the pipeline;

And further, in exercise of the powers conferred by sub-section (4) of section 6 of the said Act, the Central Government hereby directs that the right of user in the said land for laying the pipeline shall, instead of vesting in the Central Government, vest on the date of publication of the declaration, in Hindustan Petroleum Corporation Limited, free from all encumbrances, subject to the conditions imposed vide this Ministry's consent letter no. R-31015/7/03 OR- II dated 25-11-2004.

SCHEDULE

Tehsil : PUNJABIBAGH		District : RAMPURA		State : DELHI		
Name of Village	Hadbast No.	Mustil No.	Khasara / Killa No.	Area		
				Hectare	Are	Square Metre
Tikri Kalan	120	6	18/2	00	00	25
			19	00	09	45
			22	00	04	90
		15	23	00	08	52
			3	00	06	40
			4	00	03	06
			6/2	00	00	25
			7	00	12	60
			14/1	00	02	52
			14/2	00	01	40
			15/1	00	05	22
			15/2	00	01	08
			24/2	00	00	25
			25	00	10	98
		18	4	00	00	25
			5	00	14	04
			6	00	02	62
		19	7/2	00	00	25
			8/3	00	00	25
			8/4	00	02	27
			9/1	00	02	40
			9/2	00	10	44
			10/1	00	11	10
			10/2	00	00	80
			13	00	04	96
			14	00	00	25
			490	00	01	08
			500	00	10	80
			509	00	01	44
			1332	00	01	80
			1333	00	01	32
			1333/1	00	01	65
			1372	00	03	35
			1381	00	01	28

[No. R-31015/4/2005-O.R.-II]

HARISH KUMAR, Under Secy.

श्रम मंत्रालय

नई दिल्ली, 30 दिसम्बर, 2005

का. आ. 342.— औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार दूर संचार विभाग के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में लेबर कोर्ट, पुणे के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 30-12-2005 को प्राप्त हुआ था।

[सं० एल- 40012/211/92-आईआर(डीयू)]

कुलदीप राय वर्मा, डेस्क अधिकारी

MINISTRY OF LABOUR

New Delhi, the 30th December, 2005

S.O. 342.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Labour Court, Pune as shown in the Annexure, in the Industrial Dispute between employers in relation to the management of Telecom Deptt. and their workman, which was received by the Central Government on 30-12-2005.

[No. L- 40012/211/92-IR(DU)]

KULDIP RAI VERMA, Desk Officer

ANNEXURE**BEFORE SHRI P.E. HAVAL, PRESIDING OFFICER.****SECOND LABOUR COURT, PUNE****REFERENCE [I.D.A.] NO. 145 OF 1994****BETWEEN**

The General Manager,
Department to Telecommunication,
Bajirao Road, Pune -411002

First Party

AND

Shri. Satraj Sarfuddin Shaikh
B-7, Room No.1, P. & T. Colony,
Gultekdi, Pune-411037

Second Party

CORAM : SHRI P.E. HAVAL.

APPEARANCES : Shri. D. Zende, Advocate for

First Party.

Shri S. Makhdoom, Advocate for

Second Party.

AWARD

(Dictated & Delivered in Open Court on 20-05-2005)

1. This is a Reference made by the Desk Officer,
Government of India, Ministry of Labour under Sec. 10 (1)

(d) r/w. Sec. 2 (A) of Industrial Disputes Act, 1947 for adjudication the industrial dispute between Department of Telecommunication, Bajirao Road, Pune-411 002 (hereinafter referred to as first party) and Shri S.S. Shikh, P.& T., Colony, Building No. B-7 Room No.1, Gultekdi, Pune-37 (hereinafter referred to as second party) mentioned in Schedule which reads as under:—

SCHEDULE

“Whether the action of the management of General Manager Department of Telecommunication, Pune, in terminating the services of Shri S.S. Shaikh casual mazdoor is justified? If not, what relief he is entitled to?”

2. Second party filed Statement of Claim in pursuance of notice. The case of second party is as under :—

Second party had been worked under the Employment of Pune Telecommunication, Bajirao Road, Pune, as its “Saras Telephone Exchange from 01-03-1988 to 22-05-1989 as a Casual Labour without any break on his part and his salary was Rs. 1,200 per month. On 22-05-1989 the responsible authority i.e. Mr. V.K. Mathur, Assistant Divisional Engineer, Saras Telephone Exchange called upon second party and told him orally that not to attend his duty by tomorrow and removed him on 22-05-1989, afternoon from his job without complying the provisions of law. Second party worked continuously more than one year and his attendance is of more than 240 days within related year which he was employed. First party before terminating his services did not issue any notice in writing indicating the reasons for termination and no wages and compensation was paid to him which is required by law. Hence, the action of the first party in terminating the services of second party is illegal and oral dismissal order is not proper order. First party management made a statement before conciliation Officer that second party had worked for 180 days only during the said period is totally wrong and bogus statement given by the first party management without providing any sufficient evidence. Before his oral termination second party has worked continuously from 01-03-1988 to 22-05-1989 i.e. for one year, two months and twenty two days without any break in service on his part and he signed to the muster roll on every working day and whenever payment made to him by management of first party he signed on payment vouchers. At the end, second party prayed that first party be directed to reinstate him with continuity of service and full back wages.

3. First party resisted claim of second party by filing Written Statement at Exh. 18. The case of second party is as under:—

Second party was asked to do labour work on temporary basis on daily wages by concerned officer of the first party, accordingly second party was working on daily wages and purely on temporary basis. The payment for the same is already made by first party. Second party was working on interim arrangement. He worked with first party for 180 days and as he has not completed 240 days

of his services during the calendar year from his appointment, he is not entitled to claim/file any reference against first party and there is no relationship of employer and employee between the parties. Second party was working with first party upto 22-05-1989 only. After project on which second party was working was over, hence, he stopped come on job. In this circumstances, provisions of Sec.25 (F) of Industrial Disputes Act, will not come in picture of this case hence, question of issuing notice of termination and paying wages for the period of one month does not arise. Second party has not completed 240 days of his service, he is not entitled to claim any relief against first party. Second party has not submitted sufficient evidence before Court to show that he worked for 240 days continuously during the calendar year. Second party has worked as casual labour work of cleaning and sweeping of Exchange, Assistant Technical Staff, doing some petty work, his name is not shown in the muster roll. On the contrary, he has paid through imprest bill A.C.E., to xerox copies of the same are produced along with Written Statement. Second party is not entitled to claim benefit for reinstatement with the first party. At the same time so called termination of second party is of 22-05-1989 and he filed present reference on 08-11-1994, no proper explanation of delay was given by second party before the Court to show that this delay is sufficient or delay was due to some reasonable cause. At the same time, second party is not entitled to claim fully back wages Rs. 1,200 per month from 23-05-1989 till today. He is not entitled to claim any other consequential benefits. This Court has no jurisdiction to try and entertain the present reference. The jurisdiction lies to the Central Administrative Tribunal established by the Central Government to solve such type of problem. First party also denied other contents of statement of claim and prayed to dismiss the reference with costs.

4. Considering rival claims of parties, issues are framed and I record my findings against it as under:—

ISSUES

FINDINGS

- | | |
|--|----------------------|
| 1. Whether termination of second party is justified? | : Yes. |
| 2. What relief? | : No relief. |
| 3. What order? | : As per order below |
| 5. My reasoning to above said findings is as under:— | |

REASONS

6. **ISSUES NO.1 & 2 :—** Advocate Shri S. Makhdoom appearing for second party argued as under:—

Second party was working as a casual labour since 01-03-1989 till 22-05-1989 continuously, his last drawn wages were Rs.1,200 per month, his services were terminated by one Shri V.K. Mathur, Assistant Divisional Engineer, Saras, Telephone Exchange and same is admitted by first party. No notice was given, no compensation was paid. Second party worked for more than one year and he has completed more than 240 days. Reference is filed on 08-11-1994, ex-parte order was passed on 04-07-1995. Reference was restored vide order dtd. 28-02-1996. No

order was passed on the question of jurisdiction. First party filed Writ Petition on the point of jurisdiction, first party withdrew Writ Petition. First party preferred application Exh.39 for sending back reference to Government as being without jurisdiction but this application of first party was rejected and cross examination of second witness of second party was closed. Witness of first party admitted in his cross examination that he is not going to produce remaining documents. Attendance register is admitted by first party. Thus, second party worked from October, 1988 to June, 1989. Name of second party is therefrom 1st October, 1988 to 4th May, 1989. All the documents are not produced by first party. Second party worked for more than 420 days from 03-07-1988 to 22-05-1989. Service termination of second party is illegal and second party is entitled to reinstatement with continuity of service and full back wages w.e.f. 22-05-1989.

7. Advocate Shri D. Zende, appearing for first party argued as under:—

As per the Statement of Claim, second party was working from 01-03-1988 to 25-05-1989 as a casual labour. Second party was working on purely temporary basis as a daily wager. Second party has not produced any appointment letter. There is no question of termination of service of second party, employment of second party thus automatically comes to an end after his work was over. All the documents at Exh.19/20 filed by the first party are referred in cross examination by second party's advocate, these documents should be read. These documents show that second party was employed on temporary basis on daily wages of Rs.768 per month. Certificate dtd. 16-06-1989 shows that second party has worked only 180 days. Attendance register, Exh.20 was admitted by second party in cross examination. Second party also admitted in his cross-examination that second party worked when work was available. First party has filed payment slip under Exh.19 and same shows that second party was paid wages for 180 days. Certificate was issued to second party as second party wanted the same for getting another job. Thus, second party did not work for 240 days and second party did not work continuously and same is admitted by second party in his cross examination. Second party was asked to stop work after project work was over, no question of complying with Sec. 25(F) arises. Mr. V.K. Mathur is not examined in spite of undertaking in cross examination. It is not proved that second party was working from 1-3-1988 and his services were terminated on 22-05-1989. It is also not proved that second party worked for 240 days. First party has filed such ample evidence. Witness of first party was cross examined by second party, but could not obtain any admission from him. First party admits attendance sheet. First party admits Exh. 20/1. Second party was paid wages for the days on which he worked. Xerox copies of A.C.E. 2. A/c., are produced wherever, name of second party appeared, same is admitted and it shows that second party was working on a project. Thus, automatic termination of second party is justified.

8. Second party repeated his case in his examination in chief, but he stated in his cross examination as under:—

"It is correct to say that I have not filed any documentary evidence to show that I was on duty since 1-3-1988. I was not issued with any appointment letter. I had not made any application to first party with a request to provide me xerox copy of registers. It is correct to say that considering xerox copies of attendance register it will be correct that I was on duty w.e.f. October, 1988. I was provided work as a labourer. There were 4 temporary employees along with me. It is correct to say that I received my salary for October, 1988 at the end of the month. I used to sign attendance register in English. It is correct to say that whenever I was not attending duties, I never used to sign attendance register. I have no documentary evidence to show that my services were terminated by Shri P. K. Mathur. I am going to examine Shri Mathur. I have worked only in one Exchange."

9. Shri. Nilkanth Shankar Yadav, witness of second party stated in his examination in chief as under:—

"Copies of attendance register filed by second party is shown to me and same is correct. My name is there and it also bears my signatures."

10. Shri Shrikant Narayan Badaskar, Assistant General Manager (Legal) of B.S.N.L., Pune, witness of first party stated in his examination in chief as under:—

"Second party was working on daily wages and on purely temporary basis. The payment for the same is already made by the first party. He worked with first party for 180 days only. Statement and necessary documents to that affect are already filed on record as second party has not completed 240 days of his services during the calendar year. It is not correct to say that services of second party were terminated by first party. The project on which second party was asked to work was over. Second party stopped coming on job. Second party was asked to work with an understanding that the work will be made available to him till the availability of work or that project. In these circumstances, provisions of Sec. 25(F) of Industrial Disputes Act will not come into the picture. Hence, question of issuing notice of termination and paying wages for the period of one month does not arise in this case, as second party has not completed 240 days of his service. Casual labour work of cleaning and sweeping of Exchange and some petty work as required by the Assistant Technical Staff was allotted to second party and he was paid for the same through impressed bill ACE-2. Copies of the same are submitted. Present reference of second party is not filed within prescribed period of limitation i.e. 90 days from so called termination. Delay for filing present reference after five and half month is not sufficiently explained by second party."

This witness stated in his cross-examination as under:—

"Witness is shown document No. 1 under list Exh. 20. After referring to it, witness says that it is not muster-roll, but it is a attendance sheet from October, 1988 to June, 1989. It is true that name of second party is there along with other labourers, the contents in respect of attendance and signatures are correct. Attendance sheet shows that second party was in employment from October, 1988 to June, 1989. It is not true to say that I am telling falsely that second party has worked only for 180 days."

11. Although, Advocate Shri S. Makhdoom argued that this witness of first party refused to produce wage slips, but it can be seen that such copies of wage slips are produced by first party *vide* their reply dtd. 29-3-1995.

12. It can be seen from xerox copies of alleged muster roll from October, 1988 to June, 1989 produced by second party under list Exh. 20/1 and xerox copies of ACE, produced by first party while replying the notice of documents that second party was working from 1st October, 1988 till 25-5-1989. It is pertinent to note that these attendance sheets at Document No. 1 under list Exh. 20 are produced by second party and admitted by first party.

13. It is true that second party has given notice of documents on 8-3-1996 for producing appointment order of second party, muster roll for the year 1988-89, payment sheet and record of salary of second party for the year 1988-89. First party replied *vide* its reply dtd. 29-3-1996 as under:—

"Casual Labourers are engaged for a certain quantum of work for a certain period, for which a work order is issued by Controlling Officer, to engage certain number of casual labourers.

There is no appointment order as such given to these labourers.

Depending upon the number of days for which a casual labourer has worked in a particular month, payment is made to that labourer, on ACG-17. A voucher is prepared and is attached to the ACE-2 account maintained to keep Account of day today expenditure or imprest. Entry is made for this payment in ACE-2 account. Original is sent to work and budget section of this department. For next month separate work order is issued and separate ACE-2 account is prepared. Thus casual labourers are working on the daily wages as per rate prescribed from time to time, by D.O.T. These are purely on temporary basis, for a particular quantum of work and period. Therefore, pay sheets or record of salary pay is only in the form of entry made in ACE-2 account and ACE-17, signed by labourer for receiving payment. All these documents are sent to works and budget section in original and being a very old record, it is difficult and time consuming to make available such old record.

However, xerox copies of ACE-2 account where the name of Shri S. S. Shaikh appears is submitted.

14. It seems that thereafter, first party filed xerox copies of such ACE-2 Account where the name of second party appears.

15. It can be seen from cross-examination of second party that second party has already admitted that appointment order was not issued to him.

16. It is the case of second party that his services were terminated w.e.f. 22-5-1989. It can be seen that reference order is made by Desk Officer on 12-4-1994, it therefore, can be seen that second party has initiated a related reference. Although, there is no question of delay adversely affecting the reference, it will have to be considered that second party did not do anything from 22-5-1989 till initiating reference in the year 1994 and it will be difficult for first party to produce old documents. Hence, it is not possible to draw adverse inference against first party because first party did not produce muster roll, attendance sheets for the period prior to 1st October, 1988. Further it is the case of first party that second party was working as a casual labourer as and when work was not available and he was paid wages for the period he worked. It is also the case of first party that second party has worked only for 180 days from 1st October, 1988 to 22-5-1989.

17. Xerox copy of certificate produced by second party under list Exh. 20/2 shows that second party had worked as a temporary casual labour (paid on daily wages) in this unit for 180 days upto 22-5-1989.

18. Xerox copy of certificate produced by second party under list Exh. 20/4 shows that second party was working under Assistant Engineer, DTAX Installation, Pune for the period from 2-5-1986 to 19-5-1986. He was paid at the daily rate of Rs. 14.50.

19. Xerox copy of certificate produced by second party under list Exh. 20/5 shows that second party has worked as a casual mazdoor in place of the leave vacancy of a regular peon of Directory Section for a period from 11-4-1986 to 23-4-1986 for 10 days. During this period, he worked.

20. All the above said certificates are xerox copies, there is no reference made by second party to these certificates in his oral evidence. However, it can be seen from the above said certificates that second party was intermittently working as a temporary casual labour in different departments.

21. In view of above circumstances and admissions of the parties in respect of documents produced on record, it can be seen that second party was working from 1st October, 1988 to 22-5-1989 and thus, second party did not work for 240 days with first party. In the circumstances, it is also difficult to accept the argument of Advocate Shri S. Makhdoom appearing for second party that Sec. 25(F) of Industrial Disputes Act, 1947 is not complied and hence termination of service of second party is illegal.

22. Witness of first party has also stated in his examination-in-chief that second party was working on a project, ACE-2 A/c., produced by first party in which name

of second party appears also shows that second party was working under a project undertaken by different departments. It is now well settled position of law that a person working under a project will not have any legal right of reinstatement etc., even if works for more than 240 days.

23. As second party has not worked for 240 days and further as second party was admittedly working under the project, I find that second party is not entitled to any legal right in respect of reinstatement, continuity of service and full backwages. I, therefore, answer the issues accordingly and proceed to pass following Order :—

ORDER

1. Reference is hereby rejected.
2. Reference is hereby answered in the negative.
3. No order as to costs.

Place : Pune.

Date : 20-5-2005.

P. E. HAVAL, Presiding Officer

नई दिल्ली, 2 जनवरी, 2006

का. आ. 343.— औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार इण्डियन इंस्टिट्यूट ऑफ पल्सेस रिसर्च के प्रबंधन के संबंध में निदेशों और उनके कर्मचारियों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण कानपुर के पंचाट (संदर्भ संख्या 212 से 230/99, 6/2000, 17-18/2000, 22/2000, 25-26/2000 तथा 29/2000) को प्रकाशित करती है, जो केन्द्रीय सरकार को 2-1-2006 को प्राप्त हुआ था।

[सं० एल-42012/49 से 51 तक/99-आई.आर.(डी.यू.)]

[सं० एल-42012/54 से 69 तक/99-आई.आर.(डी.यू.)]

[सं० एल-42012/221 से 223 तक/99-आई.आर.(डी.यू.)]

[सं० एल-42012/234 से 236 तक/99-आई.आर.(डी.यू.)]

[सं० एल-42012/240/99-आई.आर.(डी.यू.)]

कुलदीप राय वर्मा, डेस्क अधिकारी

New Delhi, the 2nd January, 2006

S.O. 343.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 212 to 230/99, 6/2000, 17-18-2000, 22/2000, 25-26/2000 and 29/2000) of the Central Government Industrial Tribunal/Labour Court, Kanpur now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Indian Instt. of Pulses Research and their workman, which was received by the Central Government on 2-1-2006.

[No. L-42012/49 to 51/99-IR(DU)]

[No. L-42012/54 to 69/99-IR(DU)]

[No. L-42012/221 to 223/99-IR(DU)]

[No. L-42012/234 to 236/99-IR(DU)]

[No. L-42012/240/99-IR(DU)]

KULDIP RAI VERMA, Desk Officer

ANNEXURE**BEFORE SRI SURESH CHANDRA, PRESIDING
OFFICER CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL-CUM-LABOUR COURT, SARVODAY
NAGAR, KANPUR**

Industrial Dispute Nos. :—212/99, 213/99, 214/99, 215/99, 216/99, 217/99, 218/99, 219/99, 220/99, 221/99, 222/99, 223/99, 224/99, 225/99, 226/99, 227/99, 228/99, 229/99, 230/99, and 6/2000, 17/2000, 18/2000, 22/2000, 25/2000, 26/2000, and 29/2000.

1. Smt. Rani-II
C/o Sri R. P. Shukla
115/93, A-2, Maswanpur
Kanpur. (I.D. No. 212/99)
2. Smt. Chandawati
C/o Sri R. P. Shukla
115/93, A-2, Maswanpur
Kanpur. (I.D. No. 213/99)
3. Smt. Meena
Sri R. P. Shukla
115/93, A-2, Maswanpur
Kanpur. (I.D. No. 214/99)
4. Smt. Raj Rani
C/o Sri R. P. Shukla
115/93, A-2, Maswanpur
Kanpur. (I.D. No. 215/99)
5. Smt. Kailashi
C/o Sri R. P. Shukla
115/93, A-2, Maswanpur.
Kanpur. (I.D. No. 216/99)
6. Smt. Shanti
C/o Sri R. P. Shukla
115/93, A-2, Maswanpur,
Kanpur. (I.D. No. 217/99)
7. Smt. Shashi
C/o Sri R. P. Shukla
115/93, A-2, Maswanpur,
Kanpur. (I.D. No. 218/99)
8. Smt. Sushila
C/o Sri R. P. Shukla
115/93, A-2, Maswanpur,
Kanpur. (I.D. No. 219/99)
9. Smt. Shiv Rani
C/o Sri R. P. Shukla
115/93, A-2, Maswanpur
Kanpur. (I.D. No. 220/99)
10. Smt. Roop Rani
C/o Sri R. P. Shukla
115/93, A-2, Maswanpur,
Kanpur. (I.D. No. 221/99)
11. Smt. Ram Devi
C/o Sri R. P. Shukla
115/93, A-2, Maswanpur,
Kanpur. (I.D. No. 222/99)
12. Smt. Phool Mati
C/o Sri R. P. Shukla
115/93, A-2, Maswanpur,
Kanpur. (I.D. No. 223/99)
13. Sri Ram Nath
C/o Sri R. P. Shukla
115/93, A-2, Maswanpur,
Kanpur. (I.D. No. 224/99)
14. Smt. Rani
C/o Sri R. P. Shukla
115/93, A-2, Maswanpur,
Kanpur. (I.D. No. 225/99)
15. Smt. Ram Dulari
C/o Sri R. P. Shukla
115/93, A-2, Maswanpur,
Kanpur. (I.D. No. 226/99)
16. Smt. Rani-III
C/o Sri R. P. Shukla
115/93, A-2, Maswanpur,
Kanpur. (I.D. No. 227/99)
17. Smt. Sunder Devi
C/o Sri R. P. Shukla
115/93, A-2, Maswanpur,
Kanpur. (I.D. No. 228/99)
18. Smt. Ram Kali
C/o Sri R. P. Shukla
115/93, A-2, Maswanpur,
Kanpur. (I.D. No. 229/99)
19. Sri Ghanshyam
C/o Sri R. P. Shukla
115/93, A-2, Maswanpur,
Kanpur. (I.D. No. 230/99)
20. Smt. Ram Raj
C/o Sri R. P. Shukla
115/93, A-2, Maswanpur,
Kanpur. (I.D. No. 6/2000)
21. Smt. Kushma
C/o Sri R. P. Shukla
115/93, A-2, Maswanpur,
Kanpur. (I.D. No. 17/2000)
22. Smt. Phool Kumari
C/o Sri R. P. Shukla
115/93, A-2, Maswanpur,
Kanpur. (I.D. No. 18/2000)
23. Shri Gopal
C/o Sri R. P. Shukla
115/93, A-2, Maswanpur,
Kanpur. (I.D. No. 22/2000)
24. Smt. Ram Janki
C/o Sri R. P. Shukla
115/93, A-2, Maswanpur,
Kanpur. (I.D. No. 25/2000)
25. Sri Chandra Pal
C/o Sri R. P. Shukla
115/93, A-2, Maswanpur,
Kanpur. (I.D. No. 26/2000)

26. Sri Shiv Balak
C/o Sri R. P. Shukla
115/193, A-2, Maswanpur,
Kanpur, (I.D. No. 29/2000)

AND

The Director, Indian Institute of Pulses Research
Kalyanpur, G. T. Road,
Kanpur

AWARD

1. Central Government, Ministry of Labour, New Delhi
vide their notification Nos. : (see below) has referred the
dispute for adjudication to this Tribunal :

1. L-42012/56/99 I.R. DU dt. 28-7-99 (I.D. No. 212/99)
“Whether the action of the Director, Indian Institute
of pulses Research, Kalyanpur, Kanpur in terminating
the services of Smt. Rani-II is legal and justified ? If
not to what relief the workman is entitled ?”

2. L-42012/57/99 I.R. DU dt. 28-7-99 (I.D. No. 213/99)
“Whether the action of the Director, Indian Institute
of pulses Research, Kalyanpur, Kanpur in terminating
the services of Smt. Chandravati is legal
and justified ? If not to what relief the workman is
entitled ?”

3. L-42012/58/99 I.R. DU dt. 28-7-99 (I.D. No. 214/99)
“Whether the action of the Director, Indian Institute
of pulses Research, Kalyanpur, Kanpur in terminating
the services of Smt. Meena is legal and
justified ? If not to what relief the workman is entitled ?”

4. L-42012/60/99 I.R. DU dt. 28-7-99 (I.D. No. 215/99)
“Whether the action of the Director, Indian Institute
of pulses Research, Kalyanpur, Kanpur in terminating
the services of Smt. Raj Rani is legal and
justified ? If not to what relief the workman is entitled ?”

5. L-42012/59/99 I.R. DU dt. 28-7-99 (I.D. No. 216/99)
“Whether the action of the Director, Indian Institute
of pulses Research, Kalyanpur, Kanpur in terminating
the services of Smt. Kalashi is legal and
justified ? If not to what relief the workman is entitled ?”

6. L-42012/63/99 I.R. DU dt. 28-7-99 (I.D. No. 217/99)
“Whether the action of the Director, Indian Institute
of pulses Research, Kalyanpur, Kanpur in terminating
the services of Smt. Shanti is legal and justified ? If
not to what relief the workman is entitled ?”

7. L-42012/62/99 I.R. DU dt. 28-7-99 (I.D. No. 218/99)
“Whether the action of the Director, Indian Institute
of pulses Research, Kalyanpur, Kanpur in terminating
the services of Smt. Shashi is legal and justified ? If
not to what relief the workman is entitled ?”

8. L-42012/61/99 I.R. DU dt. 28-7-99 (I.D. No. 219/99)
“Whether the action of the Director, Indian Institute
of pulses Research, Kalyanpur, Kanpur in terminating
the services of Smt. Sushila is legal and justified ? If
not to what relief the workman is entitled ?”

9. L-42012/50/99 I.R. DU dt. 28-7-99 (I.D. No. 220/99)

“Whether the action of the Director, Indian Institute
of Pulses Research, Kalyanpur, Kanpur in terminating
the services of Smt. Shiv Rani is legal and justified ?
If not to what relief the workman is entitled ?”

10. L-42012/49/99 I.R. DU dt. 28-7-99 (I.D. No. 221/99)

“Whether the action of the Director, Indian Institute
of Pulses Research, Kalyanpur, Kanpur in terminating
the services of Smt. Roop Rani is legal and justified ?
If not to what relief the workman is entitled ?”

11. L-42012/51/99 I.R. DU dt. 28-7-99 (I.D. No. 222/99)

“Whether the action of the Director, Indian Institute
of Pulses Research, Kalyanpur, Kanpur in terminating
the services of Smt. Devi is legal and justified ? If
not to what relief the workman is entitled ?”

12. L-42012/65/99 I.R. DU dt. 28-7-99 (I.D. No. 223/99)

“Whether the action of the Director, Indian Institute
of Pulses Research, Kalyanpur, Kanpur in terminating
the services of Smt. Phoolmati is legal and justified ?
If not to what relief the workman is entitled ?”

13. L-42012/67/99 I.R. DU dt. 30-7-99 (I.D. No. 224/99)

“Whether the action of the Director, Indian Institute
of Pulses Research, Kalyanpur, Kanpur in terminating
the services of Shri Ram Nath is legal and justified ?
If not to what relief the workman is entitled ?”

14. L-42012/55/99 I.R. DU dt. 28-7-99 (I.D. No. 225/99)

“Whether the action of the Director, Indian Institute
of Pulses Research, Kalyanpur, Kanpur in terminating
the services of Smt. Rani is legal and justified ? If
not to what relief the workman is entitled ?”

15. L-42012/54/99 I.R. DU dt. 28-7-99 (I.D. No. 226/99)

“Whether the action of the Director, Indian Institute
of Pulses Research, Kalyanpur, Kanpur in terminating
the services of Smt. Ram Dulari is legal and justified ?
If not to what relief the workman is entitled ?”

16. L-42012/69/99 I.R. DU dt. 28-7-99 (I.D. No. 227/99)

“Whether the action of the Director, Indian Institute
of Pulses Research, Kalyanpur, Kanpur in terminating
the services of Smt. Rani-III is legal and justified ? If
not to what relief the workman is entitled ?”

17. L-42012/68/99 I.R. DU dt. 30-7-99 (I.D. No. 228/99)

“Whether the action of the Director, Indian Institute
of pulses Research, Kalyanpur, Kanpur in terminating
the services of Smt. Sunder Devi is legal and
justified ? If not, to what relief the workman is
entitled ?”

18. L-42012/64/99 I.R. DU dt. 30-7-99 (I.D. No. 229/99)

“Whether the action of the Director, Indian Institute
of Pulses Research, Kalyanpur, Kanpur in terminating
the services of Smt. Ram Kali is legal and justified ?
If not, to what relief the workman is entitled ?”

19. L-42012/66/99 I.R. DU dt. 30-7-99 (I. D. No. 230/99)

"Whether the action of the Director, Indian Institute of Pulses Research, Kalyanpur, Kanpur in terminating the services of Sh. Ghanshyam is legal and justified? If not, to what relief the workman is entitled?"

20. L-42012/236/99 I.R. DU dt. 27-1-2000 (I.D. No. 6/2000)

"Whether the action of the Management of Director, Indian Institute of Pulses Research, Kalyanpur, Kanpur in terminating the services of their workman Sh. Ram Raj w.e.f. 26-6-98 is legal and justified? If not, to what relief the concerned workman is entitled?"

21. L-42012/222/99 I.R. DU dt. 27-1-2000 (I.D. No. 17/2000)

"Whether the action of the Management of Director, Indian Institute of Pulses Research, Kalyanpur, Kanpur in terminating the services of their workman Smt. Kushma w.e.f. 1-8-98 is legal and justified? If not, to what relief the concerned workman is entitled?"

22. L-42012/223/99 I.R. DU dt. 27-1-2000 (I.D. No. 18/2000)

"Whether the action of the Management of Director, Indian Institute of Pulses Research, Kalyanpur, Kanpur in terminating the services of their workman Smt. Phool Kumari w.e.f. 1-8-98 is legal and justified? If not, to what relief the concerned workman is entitled?"

23. L-42012/240/99 I.R. DU dt. 27-1-2000 (I.D. No. 22/2000)

"Whether the action of the management of Director, Indian Institute of Pulses Research, Kalyanpur, Kanpur in terminating the services of their workman Sh. Shiv Gopal w.e.f. 26-8-98 is legal and justified? If not, to what relief the concerned workman is entitled?"

24. L-42012/234/99 I.R. DU dt. 27-1-2000 (I.D. No. 25/2000)

"Whether the action of the management of Director, Indian Institute of pulses Research, Kalyanpur, Kanpur in terminating the services of their workman Smt. Ram Janki w.e.f. 26-6-98 is legal and justified? If not, to what relief the concerned workman is entitled?"

25. L-42012/235/99 I.R. DU dt. 27-1-2000 (I.D. No. 26/2000)

"Whether the action of the management of Director, Indian Institute of pulses Research, Kalyanpur, Kanpur in terminating the services of their workman Sh. Chandra Pal w.e.f. 26-6-98 is legal and justified? If not, to what relief the concerned workman is entitled?"

26. L-42012/221/99 I.R. DU dt. 27-1-2000 (I.D. No. 29/2000)

"Whether the action of the Management of Director, Indian Institute of Pulses Research, Kalyanpur, Kanpur in terminating the services of Sh. Shiv Balak w.e.f. 26-8-98 is legal and justified? If not, to what relief the concerned workman is entitled?"

2. As common question of fact and law is involved in all the above cases hence it is proposed to decide them by common award. Further all the above cases have been consolidated vide order dated 11-1-2001 and I.D. Case No. 224/99 has been made leading case.

3. The workmen involved in the above cases have filed their statement of claim in cyclostyle manner giving details of their engagement and termination on common grounds, which are as under :—

Sl. No.	I.D. No.	Name of worker	Date of engagement	Date of termination
1	2	3	4	5
1.	212/99	Smt. Rani-II	1-3-87	26-6-98
2.	213/99	Chandrawati	"	"
3.	214/99	Smt. Meena	"	"
4.	215/99	Smt. Rajrani	"	"
5.	216/99	Smt. Kailasi	"	"
6.	217/99	Smt. Shanti	"	"
7.	218/99	Smt. Shashi	"	"
8.	219/99	Smt. Sushila	"	"
9.	220/99	Smt. Sheorani	"	"
10.	221/99	Smt. Ruprani	"	"
11.	222/99	Smt. Ramdevi	"	"
12.	223/99	Smt. Phoolmati	"	"
13.	224/99	Sri. Ramnath	"	"
14.	225/99	Smt. Rani	"	"
15.	226/99	Smt. Ramdulari	1-3-95	"
16.	227/99	Smt. Rani-III	1-3-87	"
17.	228/99	Smt. Sunder Devi	"	"
18.	229/99	Smt. Ramkali	"	"
19.	230/99	Sh. Ghanshyam	1-3-87	26-6-98
20.	6/2000	Ram Raj	May, 89	"
21.	17/2000	Sh. Kusuma	Nil	1-8-98
22.	18/2000	Smt. Phool Kumari	Nil	1-8-98
23.	22/2000	Sh. Sheogopal	1990 (date not given)	26-6-98
24.	25/2000	Smt. Ramjanki	1990	"
25.	26/2000	Smt. Chandrapal	1989	"
26.	29/2000	Smt. Sheobalak	1990	"

4. Brief facts giving rise to the above industrial disputes are that the workers involved in the aforesaid cases were engaged by the Director, Indian Institute of Pulses Research, Kanpur, (hereinafter referred to IIPR for

the sake of brevity) opposite party, on the dates given above as labour on permanent post lying vacant under the management of opposite party. It has further been pleaded by the workers that before oral termination of their services they were being paid wages at the rate of Rs. 2127 per month. The management used to pay wages after getting thumb impression on payment register. It is alleged that the nature of work against which these workers were engaged was of permanent nature which is likely to continue in future and that the opposite party is 'Industry'. It is also alleged that the opposite party is taking work from these workers for the last several years still they have not been regularised in permanent services of the opposite party management which is an example of Unfair labour practice and victimization and is illegal and unconstitutional. Under the instructions of the Director of opposite party officers of the management used to take work from these workers such as agricultural work like Jutai, Gurai, Marai, Sichai, Katai etc., which were being controlled and supervised by the management. It has further been alleged that the workers have completed more than 240 days of continuous services in each year from the date of their respective engagements. That the work and conduct of workers remained satisfactory throughout the service and they never gave any room for complaint. It has further been alleged by the workers that the management of IIPR with a view to protect themselves from the provisions of labour laws tried to declare them the workers of contractor in the year 1998 who was having licence of supplying contract labourers which was valid for the period 30-4-98 to 29-4-99. It is also alleged that when the workers raised their demand for paying them regular wages, difference of wages between paid and payable and for declaring them regular and permanent employee of the opposite party, management orally terminated their services abruptly in gross violation of the provisions of I.D. Act, even without showing any reasons or notice. After oral termination of their services workers made their effective efforts and demand that they be provided service under the management of IIPR but failed in their attempt. Registered letters were also addressed to the authorities of the opposite party management in this regard but all in vain. It has also been alleged that the management used to sell the products on higher prices to different institutions and farmers through their sale counters. Lastly it has been alleged by these workers that their oral termination without notice pay or retrenchment compensation amounts to breach of provisions of Section 25F of Industrial Disputes Act 1947 and as such is illegal and unconstitutional. Further without providing them an opportunity of reemployment, several juniors to these workers have been engaged by the opposite party to perform the work from which their services were terminated in this management of IIPR have also breached the provisions of section 25-H of I.D. Act, 1947. The management tried to introduce contract system against permanent nature of work which is highly illegal and unconstitutional which is nothing but to protect

themselves from the provisions of labour laws. On the basis of these allegations all the workers involved in the case have prayed that they be reinstated in services, with wages of permanent employee, with continuity of services and all consequential benefits.

5. The management of opposite party have filed a common reply against statement of claim submitted by the workers involved in the present dispute, alleging there in that the opposite party is purely a 'Research Institute' under the management and control of the Indian Council of Agricultural Research which functions under the Department of Agriculture, Research and Education and is an autonomous body registered under provisions of Societies Act, 1860. The management has denied the fact that it is an Industry within the meaning of Section 2(j) of Industrial Disputes Act, 1947, as opposite party is not engaged in an activity which can be called within a trade or manufacturer, therefore, the present reference order is bad in law and is without jurisdiction. It is further alleged by the opposite party that the workers have never been engaged or appointed by them, the claim of the workers are bad because of misjoinder and non joinder of necessary parties. It is alleged that the applicants involved in the present dispute are not workman within the meaning of section 2(s) of I.D. Act, 1947, and that there is no relationship of employ and employer between the applicant and the management of IIPR, Kanpur. The applicant had no lein or right on any regular or permanent post under the management. It has been alleged that the applicant could not claim wages and work as a matter of right like regular and permanent employee as he/she never worked continuously against any regular and permanent vacancy. It has further been stated by the opposite party that they never discharged, dismissed retrenched or terminated the services of the applicant at any point of time either by written or oral order, hence individual dispute as alleged cannot be deemed to be an industrial dispute as defined under the provisions of section 2-A of the Act. It has also been denied that the opposite party is an employer within the meaning of section 2(g) of the Act. On the basis of these allegations it has been alleged that the entire reference order is liable to be struck down, as Central Government referred the dispute without application of mind. The dispute is belated hence is not maintainable under law. Applicability of provisions of 25-F, 25-H and 25-B have also been disputed by the management.

6. Apart from above legal grounds on merit it has been alleged by the management that the workers have never been engaged or employed in any capacity by them hence question of payment of wages as alleged by them does not arise. The allegations of the workers are false baseless, concocted, and misleading. The agriculture work is of casual nature and is got done through contractor having valid licence as and when required. The vacancy created under the management are filled up in accordance with the Rules and Regulations of the Government of India/Council of Agricultural Research and that the

management of IIPR cannot create any new post nor appoint/promote any person without any vacancy nor incur any expenses beyond the sanctioned budget and allocation of fund, under these circumstances question of declaring the workers involved in the dispute as permanent employee of management does not arise at all. Management has further denied the fact that they ever adopted unfair labour practice. Management has also denied the fact that the workers have performed the work under their supervision and control. Management has denied continuous working of 240 days by these workers in any calendar year as such keeping of records like attendance register and payment registers in respect of these workers has been denied as well by the management. It has been alleged by the management that these workers are trying to secure back door entry in the services of the management by way of litigation in contravention of government rules. The management in their entire written statement have disputed relationship of master and servant/employer and employee between them and the workers involved in dispute repeatedly and have also cited various rulings of different High Courts and Apex Court, hence it is unnecessary to give further details of the written statement filed by the management. Management has also denied the fact that the workers have performed the work of permanent nature under the management as claimed by them. On the basis of above it has been prayed by the management that the claim of the workers be dismissed being devoid of merit as the workers are not entitled to claim any relief from the management by way of present reference order.

7. Rejoinder statement has also been filed by the workmen in which nothing new has been stated except reiteration of the facts made in the claim statement.

8. Contesting parties have also filed documentary evidence in the case beside adducing their oral evidence.

9. Besides the oral submissions advanced on behalf of the either of the Contesting parties, written arguments have also been filed in support of their respective claims and counter reply. Having heard the detailed arguments and also having examined the written arguments filed on behalf of the parties, the controversy centres found on the following main points :—

- (i) Whether the management of opposite party i.e. Indian Institute of Pulses Research, Kanpur, can be termed as Industry under the provisions of Industrial Disputes Act, 1947.
- (ii) Whether there is any relationship of workman and Employer as alleged by the workers between the opposite party & workers ?
- (iii) Whether the workmen were direct employee of the Management and their services were illegally terminated as claimed by them ?
- (iv) To what relief are the workers are entitled ?

The contention of the management on points No. (i) is that the Indian Institute of Pulses Research, Kanpur, is not an Industry under the Provisions of Industrial Disputes Act, 1947 as it deals with research activities of argument the agriculture products and it does not deal with any sale or earns profit of the products acquired by the Institute. It is admitted fact that the management of IIPR conducts various scientific research for the benefit of farmers at large to enhance their agriculture production which ultimately assist enhancement in national product in the field of agriculture. It is also an admitted fact that the seeds so produced after research etc are thereafter distributed to the farmers against price and produce obtained in research work is also sold, thus it cannot be said that IIPR opposite party is not an Industry as termed under the provisions of I.D. Act and that IIPR opposite party is engaged in commercial and industrial activities, therefore, it cannot be accepted that the opposite party is merely carrying on research activities only. Reliance on behalf of the management has been placed on the law reported in 1989 Col. 10 Administrative Tribunal cases page 849 M. Parmeshwaram versus Chief Administrative Officer CSIR New Delhi and others wherein the Administrative Tribunal has dealt that CSIR may not be an Estate under Article 12 of the Constitution of India but has held that the Tribunal had jurisdiction to decide this issue. Thus the law cited by the management is of no help to them.

10. The workers have also filed a copy of Award granted by the learned presiding officer of this tribunal wherein management of IIPR has not pressed this issue that IIPR is not an Industry. During the course of arguments before this tribunal and also looking to the facts that there is no evidence contrary to it it can be safely held that IIPR opposite party is an Industry as defined under the provision of I.D. Act. Thus controversy on Point No. 1 is therefore decided in favour of the workers and against the management of IIPR.

11. Points mentioned above at serial Nos. 2 & 3 are taken together as they are interdependant.

12. The claim of the workers are that they are/were appointed directly by the management of IIPR and were being wages directly by the opposite parties. This fact has been denied vehemently by the management. The contention of the management is that they never employed the workers nor any wages or remuneration was ever paid to them directly by the management of IIPR. The workers may be the employees of the contractor who had control and supervision over the working of the workers involved in the present dispute and that the work in contingency might have been taken through the contractor and the contractor was paid for the job rendered by him on contract basis through his labourers. From the evidence on record it is admitted fact that the workers were never issued any appointment letter nor any termination order

was ever issued in their favour by the management of IIPR, Kanpur. Heavy burden lies on the workers to prove this fact that they were taken into employment or engaged directly by the management of IIPR. Overwhelming stress workers is made to the effect that the management has not examined licenced contractor nor the licence contractors name did appear in the written statement filed against the workers claim statement by the management of IIPR. Management from the very beginning has denied the fact that it ever engaged any worker directly under them. Mere non mentioning the contractors name or not examining the contractor to rebut the claim of the workers would not *ipso facto* entitled any of the worker to hold that these workmen are direct employee of the management of IIPR. Certain test will have to be applied to decide the relationship of 'Master & Employer' between the contesting parties. The Hon'ble Supreme Court in a case reported in 203 (99) FIR page 1064 between Ram Singh and others *versus* Union Territory of Chandigarh and others held that besides the control all other relevant facts and circumstances are required to be considered including the terms and conditions of the contract. It has clearly been laid down by Hon'ble Court in that case that in determining the relationship of employer and employee no doubt control is one of the main test. An integrated approach is needed to determine this fact. Unless it proved that the employer retains or assumes control over the means and method of work of a contractor, the relationship between employer and employee cannot be accepted to exist. In the present case the workers in their oral testimony alleges that their work was being controlled by Farm Manager Mr. Katiyar. This fact has been clearly denied on oath by Mr. Katiyar himself when he was examined before the tribunal as witness of the opposite party. In the next breath the employee has admitted that he had to work under the scientist whose name has also been disclosed by the worker in their evidence. If this factual position is accepted then the fact can not be accepted that Mr. Katiyar Farm Manager of the apprite party had control over it who is only posted as Farm Manager of the employer. During the course of argument it has been impressed upon that the skill work assisting in search work is taken by the regular employees of the IIPR but unskilled work relating basic augmentation of the purpose of agriculture work is got done through contracts labours who supplies the labourer for the product and work and the contractor is paid in lumpsum for the job conducted by him. On the record contractors licence is also filed and also the payment made to the contractor for various jobs rendered by contractors through his agents. Thus it cannot be accepted that any of the worker involved in the present reference order was in direct employment of the opposite party. The workers have tried to camouflage himself as direct employee when they state that they were paid on monthly basis. This fact is self contradictory when the workers admits that they were never paid for Sundays and that they do not know at what rate they were paid their daily wages. Therefore it can well be established

that the workers involved in the present reference have no relationship of Master & Servant as claimed by them between them and the management of IIPR.

13. On behalf of the Management Administrative Officer Mr. Sial has also been examined who has categorically stated that none of the workers was the direct employee of the Management or Worked directly under his supervision and control. workers side has insisted upon the fact since the payment and attendance register have not been filed by the Management which could have thrown light upon the point as to whether at any point of time these workers remained under direct employment of the management. This fact has also been denied by the Management as they had no direct control and supervision over the working of the workers involved in the present reference. The onus to prove the fact that these workers were the direct employees of the Management lies on the workers but they have failed to discharge the onus to prove the fact.

14. Workers have also filed a photocopy of a award rendered by this tribunal in another industrial case and places reliance that on the same basis the workers may be held to be the direct employee of the Management. This contention of the workers cannot be accepted on the grounds that the said award does not relate to the present workers and that even that award is under challenge before the Hon'ble High Court and yet not attained finality thus is subjudice. Further award passed in earlier Industrial Dispute Cases are based on other grounds and evidence hence workers cannot be allowed to take any advantage of an award of this tribunal which is still subjudice and is pending for disposal before the Hon'ble High Court of judicature at Allahabad. Therefore it cannot be made a ground for passing an award in favour of the workers. Point Nos. 2 and 3 are therefore decided in favour of the Management and against the workers.

15. Having failed to prove that the workers involved in the Present dispute are the direct employee of the Management of IIPR Kanpur by including other relevant documentary evidence supported with oral evidence the tribunal is bound to hold that there do not exist any relationship of master and servant between the contesting parties and that the demand of the workers cannot be said to be tenable in the eye of law.

16. In view of discussions of facts and law as made above, it is held that the action of the management in terminating their services from the date mentioned in the reference order cannot be said to be illegal and unjustified. Accordingly it is held that the workers of each of the industrial dispute mentioned in the present award are not entitled for any relief as claimed by them.

Award is given accordingly.

SURESH CHANDRA, Presiding Officer

नई दिल्ली, 2 जनवरी, 2006

का. अ. 344. — औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार इस्पेक्टर ऑफ आर्मानेन्ट्स के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण जबलपुर के पंचाट (संदर्भ संख्या सी जी आई टी/एल सी/आर/29/87) को प्रकाशित करती है, जो केन्द्रीय सरकार को 2-1-2006 को प्राप्त हुआ था।

[सं० एल-14012/4/86-डी-II/(बी)]

कुलदीप राय वर्मा, डेस्क अधिकारी

New Delhi, the 2nd January, 2006

S.O. 344. — In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. CGIT/LC/R/29/87) of the Central Government Industrial Tribunal/Labour Court Jabalpur now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Inspectorate of Armaments and their workman, which was received by the Central Government on 2-1-2006.

[No L-14012/4/86-D-II (B)]

KULDIP RAI VERMA, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, JABALPUR

NO. CGIT/LC/R/29/87

Presiding Officer : Shri C.M. Singh

Shri Wilson Singh,

Ex-Examiner, Gr.II/16, II-Type, East Land,

Khamaria, Jabalpur.

... Workman

Versus

The Sr. Inspector

Inspectorate of Armaments,

Khamaria, Jabalpur (MP).

... Management

AWARD

Passed on this 6th day of December, 2005

1. The Government of India, Ministry of Labour vide its Notification No. L-14012/4/86-D-II(B) dated 27-3-87/3-4-87 has referred the following dispute for adjudication by this tribunal :—

"Whether the action of the management of Inspectorate of Armaments, Khamaria, Jabalpur in imposing the penalty of dismissal from service on Shri Wilson Singh, IA/623, Examiner Grade I w.e.f. 2-6-83 is justified? If not, to what relief the workman concerned is entitled to?"

2. The case of workman Wilson Singh in brief is as follows :

That he was General Secretary of Inspectorate of Armaments Exclusive Union, Khamaria, Jabalpur. Because of his Union activities, Shri Hingorani, the then Senior Inspector was annoyed with him and made certain false

complaints against him. The Union issued a pamphlet on 26-2-82 and conducted a gate meeting shouting slogans etc. On 5-3-82 and 6-3-82 respectively in connection with the above. The workman had taken LTC for himself and his family members. On the bills being submitted, the same was checked and passed by the management after complete scrutiny. On the instigation of Shri Hingorani, a false complaint was made against the workman and a chargesheet was issued to him in April 1982 which was subsequently amended. All the protests by the workman against this action was ignored by the management. The workman vide his letter dated 25-4-1982 requested the authorities concerned to comply with certain guidelines issued by the Government, but no reply was received of the above letter. Subsequently an appeal was also submitted to the Director General of Inspections and a copy to Sr. Inspector of Armaments. The appeal was rejected without any justification. Thereafter one Shri S.K. Kapoor was appointed Enquiry Officer to enquire into the charges levelled against the workman. Shri Kapoor was highly biased against the workman and therefore a request was made for changing the Enquiry Officer. This request was rejected. The workman appeared in the enquiry and prayed for a decision on various objections raised by him and he submitted that in the absence of reply, it will not be possible for him to participate in the enquiry. All the requests made by the workman were rejected and the so-called enquiry was proceeded without giving the reasonable opportunity to the workman for defending himself. The workman by his letter dated 8-12-82 addressed to the President of India, Director General of Inspections and Sr. Inspector of Armaments and a copy to the Enquiry Officer made prayer for reviewing the order made earlier and requested not to proceed with the enquiry. By letter dated 27-9-82, he had also complained against proceedings of the enquiry. Objections were also raised by him vide letters dated 16-12-82, 17-12-82 etc. In spite of repeated protest by the workman, the enquiry remained continued. The workman was though present in the enquiry but as already mentioned above he had stated that unless and until his objections are decided, it will not be possible for him to effectively participate in the enquiry. A representation was also made on 20-3-83 to the Dy. Secretary, Government of India by Shri Santosh Singh, a representative of the federation Union. But the so-called enquiry was held and on finding of guilt being recorded, the services of the workman were terminated vide order dated 1-6-83. An appeal was preferred by him which was also rejected by the DGOF. Thereafter the workman submitted a review petition to the President of India on 16-6-84 which has not been replied so far. The chargesheet, departmental enquiry, dismissal order and the appellate order against the workman are bad in law. The Enquiry Officer acted as a prosecutor with prejudiced mind. He was completely under the influence of Shri Hingorani and acted under his directions. The findings of the enquiry officer is perverse without evidence. The Enquiry Officer relied on documents which were not proved. The punishment imposed on the workman is highly excessive which was awarded as a act of victimization for trade Union activities. The order of termination of service of

workman is illegal, arbitrary and unjust. The workman is entitled for reinstatement with all consequential benefits, back wages including heavy compensation.

3. The management contested the reference and filed their Written Statement. The assertions made by the workman against the management in his statement of claim have been denied on behalf of management. It is specifically denied by the management that Shri Hingorani, the then Senior Inspector was annoyed with workman. It has also been denied that there has been a false complaint against the workman at the instance of Shri Hingorani. The case of the management in brief is that on discovery of fraudulent claim, it was the duty of Shri Hingorani, the then Sr. Inspector to take necessary action. That the Union activities had nothing to do with the alleged and dishonest claims made by the workman and fraudulent receipt of money from the management on bogus and false claims. The workman had taken Leave Travel Advance for the journey of himself and his family members. Advance according to demand was found in order and duly passed and the payment was made to him. Later on the workman submitted adjustment claim which was passed and payment was made to him. The office after issuing post payment cheque, received reports that the workman had made a false claim of LTC and adjustment bills. That the workman's son and daughters had not taken any journey to Chandigarh as had been asserted by the workman and payments received by him. To verify the truth, a letter was addressed to the school concerned to inform whether Shri Jaipal Singh, S/o workman and Kumari Geeta and Kumari Savitri his daughters were present in the schools between 22nd November, 1981 to 27th November, 1981. A letter was received in answer to the query from the Christ Church Higher Secondary School that Shri Jaipal Singh S/o the workman studying in class VIth was present in the school from 23rd Nov-81 to 27th Nov-81. On the basis of this authentic certificate from the Principal of a well known school, it was discovered that the claim of LTC was false and bogus. Therefore a chargesheet was issued to the workman according to rules. Later on information from the other school where the daughters of the workman were studying was sought by the management. The management was surprised to receive certificate dated 8-4-82 from the Principal OFK School that daughters Kumari Geeta and Kumari Savitri of workman were present in school between 23rd November 81 to 27th Nov-1981 and 22nd being Sunday. On the basis of this subsequent information, the chargesheet was duly amended by adding to it that the LTC claim in respect of the above daughters submitted by the workman was also false and fraudulent. That after issue of the chargesheet, as the misconduct was very grave, the workman was placed under suspension and regular departmental enquiry was ordered affording all opportunities to the delinquent.

4. That the workman raised false disputes about his placing under suspension, about adding to the chargesheet etc. For months together, the workman without submitting any reply to the chargesheet or his statement of defence challenging the certificates issued by the schools, continued to make false appeals and

representations to higher authorities upto the President of India on flimsy grounds which were all duly considered and rejected for valid and cogent reasons. The workman never filed statement of defence and did not cooperate in the enquiry. The Departmental Enquiry was properly conducted and justifying conclusions were drawn. Proper punishment was awarded to the workman. The enquiry was legal and proper. Considering the seriousness of misconduct, the imposition of penalty of dismissal from service is proper and not in any way excessive.

5. It shall be worthwhile to mention here that workman Wilson Singh died in the year 1996 during the pendency of this reference.

6. *Vide* order dated 25-2-98, my learned predecessor in office allowed application dated 12-2-98 moved by the proposed legal heirs of deceased workman and ordered that LR's be substituted for deceased workman Wilson Singh in the present reference.

7. The ordersheet dated 22-8-92 of this reference reveals that Shri A. K. Shashi, Advocate learned counsel for the workman admitted before my learned predecessor in office that the enquiry is just and proper as is clear from the attendance register presented by the workman. The said order further reveals that Shri A.K. Shashi, Advocate, learned counsel for the workman prayed on that date that a date be given for arguing on the quantum of punishment only. It clearly means that the learned counsel for the workman did not press the point that the enquiry conducted by the management against the workman was not proper and just. In other words, the preliminary point was decided as follows :— the enquiry conducted by the management against the workman is fair and legal.

8. Now only it is to be decided if the deceased workman was awarded just and proper punishment. In this regard, it has been submitted that the order of termination of service is Legal, arbitrary, unjust and colorable exercise of power and the reliance for the same has been placed on 1994(2) Supreme Court Cases 537 in the case of State Bank of India and others *versus* Samarendra Kishore Endow and another.

9. The fact of this reference are quite different than the case law cited above. In the case law cited above, the appellant while posted at Phek branch of the Bank was transferred to Amarapur Branch in the State of Tripura in January 1981. He joined at Amarapur and claimed certain amount by way of reimbursement for the expenses incurred by him in shifting his belongings and other articles to Amarapur from Phek. An enquiry was made into the correctness of the receipts and other documents produced by him in that connection (and into some other alleged irregularities committed by him) and he was subjected to a disciplinary inquiry on five charges out of which 2 are as follows :—

- (i) That on February 19, 1982, you submitted a travelling Allowance Bill for Rs. 12,194.80 in connection with your permanent transfer from Phek Branch to Amarapur Branch. In the said bill you make a claim of Rs. 9500.00 being the hiring charges incurred by you for a full track

and in support of your claim you submitted a false money receipt dated January 9, 1982 for Rs. 9500.00 obtained from M/s. Balram Hariram, Church Road, Dimapur, whereas you neither engaged a full truck nor spent Rs. 9500.00 for the transport of household goods. By your above act you failed to discharge your duties with utmost integrity, honesty, devotion and diligence and have violated Rule 32(4) of the State Bank of India (Supervising Staff) Service Rules.

- (ii) That in your Travelling Allowance Bill for Rs. 12,194.80 dated February 10, 1982 you made another claim for Rs. 120 supported by two false separate money receipts dated February 9, 1982 for Rs. 60 each obtained from one Shri Ram Prasad being the loading and unloading charges incurred for household goods at Phek and Amarapur respectively. By your above act again you have failed to discharge your duties with utmost integrity, honesty, devotion and diligence and violated Rule 32(4) of the State Bank of India (Supervising Staff) Service Rules.

10. The Disciplinary enquiry was conducted against the appellant. The Enquiry Officer held that all the 5 charges are proved. The Disciplinary Authority perused the entire material and did not agree with the finding on the charge No. 4, he imposed the penalty of removal upon the respondent. The appeal was preferred against the said punishment which was dismissed by the board whereupon a writ petition was filed before the High Court. The High Court allowed the petition on 3 grounds, namely (1) non-supply of enquiry officer's report before imposing the penalty vitiates the order of punishment, (2) the appellate order is not a speaking order and therefore not in conformity with Rule-51 (2) of the S.B.I. (Supervisory Staff) Service Rules and (3) the findings of the Enquiry Officer and the Disciplinary Authority on charges No. 1 to 3 and 5 are based on no evidence and must therefore be characterised as perverse. Regarding Charge No. 1 the Honourable Supreme Court of India observed as follows: "So far as Charge No. 1 is concerned the respondent had produced a receipt in a sum of Rs. 9500 claiming that to be the expenses incurred by him for transporting his belongings. It appears that when he came to know that certain inquiries were being made by the Bank into the correctness of the receipts produced by him, he produced the second receipt (in June 1982) in a sum of Rs. 2755 (The first receipt was produced in January 1982). the respondent's case was that though initially the transporter charged him the sum of Rs. 9500 which he paid partly in cash and partly through a post-dated cheque, the transporter later revised the charges downwards to Rs. 2755 PW-1 the transporter examined by the Bank, supported the respondent's case in full. However, the Enquiry Officer refused to believe his evidence for the various reasons given by him in his report. After examining the evidence of PW-1 and other documentary evidence at length, the Enquiry Officer found that "there was no actual movement of household goods belonging to Shri S.K.

Endow on the dates represented by the documents." The High Court, however, proceeded on the assumption that the finding of the Enquiry Officer was to the effect that there was no actual movement of household goods belonging to him at all. In other words, it ignored the words "on the dates represented by the document" in the above finding. The High Court held on that basis that the Enquiry Officer was in error in holding that there was absolutely no oral evidence in support of the finding that there was no movement of goods. We are not satisfied with the reasoning of the High Court. Firstly it is based upon an incomplete reading-or if we may call it, misreading-of the finding recorded by the Enquiry Officer. Secondly, it cannot be said that the finding of the Enquiry Officer was based on no evidence. Once the explanation offered by the respondent is disbelieved, there are two contradictory receipts produced by him-the earlier one claiming a far higher amount and the latter one claiming a far lesser amount. Apart from that the Enquiry Officer has relied upon several documents, namely P.Ex. 23, P.Exs. 10 and 9 in support of his finding. It cannot therefore be said that the Enquiry Officer's finding is based on no evidence."

11. Regarding Charge No. 2 the Honourable Supreme Court of India observed as follows: "Charge No. 2 relates to claim of Rs. 120 towards loading and unloading charges, evidenced by two receipts dated 9th January 1982. the Enquiry Officer found that in view of the grave discrepancies with respect to the date of transportation and also because Ram Prasad who is said to have accompanied the goods in the truck was not examined, the charge must be held proved. the Enquiry Officer found that the loading and unloading did not take place on the dates mentioned therein. This finding is again based upon the documentary evidence and cannot be said to be not supported by any evidence. The High Court was of the opinion that there was no evidence in support of the Enquiry Officer's finding that Ram Prasad is a fictitious person. We have perused the finding of Enquiry Officer closely. The finding is not that Ram Prasad is a fictitious person but that his non-examination goes to show that the respondent's case that the said person accompanied the goods is not established. No doubt, he also added that Ram Prasad appears to be a fictitious person, but that is only by way of an additional reason; it is not the main reason."

12. After having discussed the other charges and the various case laws, the Honourable Supreme Court of India held as follows:—

"Now coming to the facts of this case it would appear that the main charge against the respondent is putting forward a false claim for reimbursement of expenditure incurred for transporting his belongings from Phek to Amarapur. So far as charge 5 is concerned there is no finding that the account become irregular or that any loss was incurred by the bank on account of the irregularity committed by the respondent. In the circumstances it may be that the punishment of removal imposed upon the respondent is harsh but this is a matter which the Disciplinary Authority or the Appellate Authority should consider and not the High Court or the Administrative Tribunal. In our opinion, the proper course to be adopted

in such situations would be to sent the matter either to the Disciplinary Authority or the Appellate Authority to impose appropriate punishment.”

13. In the case at hand, the deceased workman in DE was charged with misconduct as he preferred a fraudulent LTC claim in respect of his son and 2 daughters whereby caused a wrongful gain for himself by unlawful means to which he was not legally entitled. The Enquiry Officer on the basis of the evidence came to the conclusion that the son and daughters of the deceased workman had not accompanied him on journey on LTC. This is a case where a bogus claim was made by the deceased workman from the management. Since the charges were proved, the Disciplinary Authority imposed the punishment of dismissal from service upon the deceased workmen. In the law cited above, it was not the case that the belongings and other articles of the appellant were not transported from Phek to Amarpur in Tripura State at all but the case was that those articles were not transported on the dates represented by the documents but this is a case where the journey on LTC was not at all conducted by the son and 2 daughters of the deceased workman and he made an utterly false claim for the same. Therefore the law cited above, in my opinion, does not apply to the facts and circumstances of this case.

14. It has been held in 1998 (1) LLJ-431 in the case of Union of India and other versus Srivastave B.K. that if the Departmental Enquiry conducted is fair and legal, there has been exercise of power by the Disciplinary and Appellate Authority, the tribunal should stay away its hand. That it is no part of function for the tribunal to substitute its own decision when enquiry is held in accordance with rules and the punishment is imposed by the authorities considering all the relevant circumstances and which it is entitled to impose. It has also been held in 1995-I-LLJ-1065 in case of Shri A.M. Ishwarchar *versus* Executive Engineer, Electrical wherein the Hon'ble High Court of Karnataka held that under the guise of sympathy, there can be no compromise in case of gross indiscipline. That sympathy will be shown in appropriate cases and the courts in this country have frequently observed that sympathy results in miscarriage of justice.

15. Having considering the facts and circumstances of this case, I am of the considered opinion that it is not a fit case in which lesser punishment than dismissal from service be awarded.

16. In view of the above, it is concluded that the action of the management of Inspectorate of Armaments, Khamaria, Jabalpur in imposing the penalty of dismissal from service on Shri Wilson Singh, IA/623, Examiner Grade I, w.e.f. 2-6-83 is justified and as a result thereof, the deceased workman concerned or his legal heirs are not entitled to any relief.

17. The reference is accordingly answered in favour of the management and against the workman. Parties shall bear their own cost of this reference.

18. Copy of the award be sent to the Ministry of Labour as per rules.

C. M. SINGH, Presiding Officer

नई दिल्ली, 2 जनवरी, 2006

का. आ. 345.— औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार इंडियन इंस्टिट्यूट ऑफ पल्सेस रिसर्च के प्रबंधन के संबंध में निदेशों और उनके कर्मचारियों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण कानपुर के पंचाट (संदर्भ संख्या 197 से 204/99 तथा 208 से 211/99) को प्रकाशित करती है, जो केन्द्रीय सरकार को 2-1-2006 को प्राप्त हुआ था।

[सं० एल-42012/52-53/99-आई.आर. (डी यू)]

[सं० एल-42012/71 से 79/99-आई.आर. (डी यू)]

[सं० एल-42012/88/99-आई.आर. (डी यू)]

कुलदीप राय वर्मा, डेस्क अधिकारी

New Delhi, the 2nd January, 2006

S.O. 345.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 197 to 204 /99 and 208 to 211 /99) of the Central Government Industrial Tribunal/Labour Court, Kanpur now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Indian Instt. of Pulses Research and their workman, which was received by the Central Government on 2-1-2006.

[No. L-42012/52-53/99-IR(DU)]

[No. L-42012/71 to 79/99-IR(DU)]

[No. L-42012/88/99-IR(DU)]

KULDIP RAI VERMA, Desk Officer

ANNEXURE

BEFORE SHRI SURESH CHANDRA, PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT SARVODAYA NAGAR, KANPUR

Industrial Dispute Nos. :—203/99, 210/99, 211/99, 197/99, 198/99, 199/99, 201/99, 202/99, 204/99, 208/99, 209/99, and 200/99.

In the Matter of dispute between:

1. Sri Balran Singh Yadav
C/o Sri R. P. Shukla
115/93 A-2, Maswanpur
Kanpur, (I.D. No. 203/99)
2. Sri Shakur Baksh
C/o Sri R. P. Shukla
115/193 A-2, Maswanpur,
Kanpur, (I.D. No. 21/99)
3. Sri Shyam Singh
C/o Sri R. P. Shukla
115/93 A-2, Maswanpur
Kanpur, (I.D. No. 211/99)
4. Smt. Geeta Devi
C/o Sri R. P. Shukla
115/93 A-2, Maswanpur
Kanpur, (I.D. No. 197/99)

5. Smt. Kamla
C/o Sri R. P. Shukla
115/93 A-2, Maswanpur
Kanpur (I.D. No. 198/99)
6. Smt. Poonam
C/o Sri R. P. Shukla
115/93 A-2, Maswanpur
Kanpur (I.D. No. 199/99)
7. Sri Pratap Narain
C/o Sri R. P. Shukla
115/93 A-2, Maswanpur
Kanpur (I.D. No. 201/99)
8. Sri Anant Ram
C/o Sri R. P. Shukla
115/93 A-2, Maswanpur
Kanpur (I.D. No. 202/99)
9. Sri Shiv Prasad
C/o Sri R. P. Shukla
115/93 A-2, Maswanpur
Kanpur (I.D. No. 204/99)
10. Smt. Vijai Lakshmi
C/o Sri R. P. Shukla
115/93 A-2, Maswanpur
Kanpur (I.D. No. 208/99)
11. Sri Ram Sewak
C/o Sri R. P. Shukla
115/93 A-2, Maswanpur
Kanpur (I.D. No. 209/99)
12. Smt. Rajeswari
C/o Sri R. P. Shukla
115/93 A-2, Maswanpur
Kanpur (I.D. No. 200/99)

And

The Director, Indian Institute of Pulses Research
Kalyanpur, G.T. Road,
Kanpur.

AWARD

1. Central Government, Ministry of Labour, New Delhi, vide their notification Nos. : (see below) has referred the dispute for adjudication to this Tribunal :

1. L-42012/73/99-I.R.(DU) dt. 11-8-1999 (I.D. No. 203/99)
“Whether the action of the Director, Indian Institute of Pulses Research, Kalyanpur, Kanpur in terminating the services of Sh. Balram Singh Yadav is legal and justified? If not to what relief the workman is entitled?”
2. L-42012/74/99-I.R.(DU) dt. 11-8-1999 (I.D. No. 210/99)
“Whether the action of the Director, Indian Institute of Pulses Research, Kalyanpur, Kanpur in terminating the services of Sh. Shaker Baksh is legal and justified? If not to what relief the workman is entitled?”

3. L-42012/71/99-I.R.(DU) dt. 28-7-1999 (I.D. No. 211/99)
“Whether the action of the Director, Indian Institute of Pulses Research, Kalyanpur, Kanpur in terminating the services of Sh. Shyam Singh is legal and justified? If not to what relief the workman is entitled?”
4. L-42012/76/99-I.R.(DU) dt. 11-8-1999 (I.D. No. 197/99)
“Whether the action of the Director, Indian Institute of Pulses Research, Kalyanpur, Kanpur in terminating the services of Smt. Geeta Devi is legal and justified? If not to what relief the workman is entitled?”
5. L-42012/52/99-I.R.(DU) dt. 11-8-1999 (I.D. No. 198/99)
“Whether the action of the Director, Indian Institute of Pulses Research, Kalyanpur, Kanpur in terminating the services of Smt. Kamla is legal and justified? If not to what relief the workman is entitled?”
6. L-42012/77/99-I.R.(DU) dt. 11-8-1999 (I.D. No. 199/99)
“Whether the action of the Director, Indian Institute of Pulses Research, Kalyanpur, Kanpur in terminating the services of Smt. Poonam is legal and justified? If not to what relief the workman is entitled?”
7. L-42012/78/99-I.R.(DU) dt. 11-8-1999 (I.D. No. 201/99)
“Whether the action of the Director, Indian Institute of Pulses Research, Kalyanpur, Kanpur in terminating the services of Shri. Pratap Narayan is legal and justified? If not to what relief the workman is entitled?”
8. L-42012/88/99-I.R.(DU) dt. 11-8-1999 (I.D. No. 202/99)
“Whether the action of the Director, Indian Institute of Pulses Research, Kalyanpur, Kanpur in terminating the services of Sh. Anant Ram is legal and justified? If not to what relief the workman is entitled?”
9. L-42012/72/99-I.R.(DU) dt. 11-8-1999 (I.D. No. 204/99)
“Whether the action of the Director, Indian Institute of Pulses Research, Kalyanpur, Kanpur in terminating the services of Sh. Shiv Prasad is legal and justified? If not to what relief the workman is entitled?”
10. L-42012/53/99-I.R.(DU) dt. 11-8-1999 (I.D. No. 208/99)
“Whether the action of the Director, Indian Institute of Pulses Research, Kalyanpur, Kanpur in terminating the services of Smt. Vijay Lakshmi is legal and justified? If not to what relief the workman is entitled?”
11. L-42012/75/99-I.R.(DU) dt. 11-8-1999 (I.D. No. 209/99)
“Whether the action of the Director, Indian Institute of Pulses Research, Kalyanpur, Kanpur in terminating the services of Sh. Ram Sewak is legal and justified? If not to what relief the workman is entitled?”

12. L-42012/79/99-I.R.(DU) dt. 11-8-1999 (I.D. No. 200/99)

“Whether the action of the Director, Indian Institute of Pulses Research, Kalyanpur, Kanpur in terminating the services of Smt. Rajeshwari is legal and justified? If not to what relief the workman is entitled?”

2. As common question of fact and law is involved in all the above cases hence it is proposed to decide them by common award. Further all the above cases have been consolidated *vide* order dated 14-12-2000 of the tribunal, and I.D. Case No. 203/99 was made leading case.

3. The workers involved in the above cases have filed their statement of claim raising common ground in stereo typed manner giving details of their engagement and termination of their engagement and termination which are as under :—

Sl. No.	I.D. No.	Name of worker	Date of engagement	Date of termination
1.	197/99	Smt. Geeta Devi	1-3-87	26-6-98
2.	198/99	Smt. Kamla	"	"
3.	199/99	Smt. Punam	"	"
4.	200/99	Smt. Rajeshwari	1-1-90	30-5-98
5.	201/99	Pratap Narain	"	30-5-98
6.	202/99	Anantram	1-1-87	30-6-98
7.	203/99	Balram Singh Yadav	1-3-87	26-6-98
8.	204/99	Shiv Prasad	11-1-89	30-5-98
9.	208/99	Smt. Vijai Luxmi	1-3-94	26-6-98
10.	209/99	Ram Sewak	1-3-87	26-6-98
11.	210/99	Sakur Bux	1-3-87	26-6-98
12.	211/99	Shyam Singh	1-3-90	30-5-98

4. Brief facts giving rise to the above industrial disputes are that the workers involved in the aforesaid cases were engaged by the Director, Indian Institute of Pulses Research, Kanpur, (hereinafter referred to as IIPR for the sake of brevity) opposite party, on the dates given above as labour on permanent post lying vacant under the management of opposite party. It has further been pleaded by the workers that before oral termination of their services they were being paid wages at the rate of Rs. 2127 per month. The management used to pay wages after getting thumb impression on payment register. It is alleged that the nature of work against which these workers were engaged was of permanent nature which is likely to continue in future and that the opposite party is 'Industry'. It is also alleged that the opposite party is taking work from these workers for the last several years still they have not been regularised in permanent services of the opposite party management which is an example of Unfair Labour Practice and victimization and is illegal and unconstitutional. Under the instructions of the Director of opposite party officers of the management used to take

work from these workers such as agricultural work like Jutai, Gurai, Marai, Sichai, Katai etc., which were being controlled and supervised by the management. It has further been alleged that the workers have completed more than 240 days of continuous services in each year from the date of their respective engagements. That the work and conduct of workers remained satisfactory throughout the service and they never gave any room for complaint. It has further been alleged by the workers that the management of IIPR with a view to protect themselves from the provisions of labour laws tried to declare them the workers of contractor in the year 1998 who was having licence of supplying contract labourers which was valid for the period 30-4-98 to 29-4-99. It is also alleged that when the workers raised their demand for paying them regular wages, difference of wages between paid and payable and for declaring them regular and permanent employee of the opposite party, management orally terminated their services abruptly in gross violation of the provisions of I.D. Act, even without showing any reasons or notice. After oral termination of their services workers made their effective efforts and demand that they be provided service under the management of IIPR but failed in their attempt. Registered letters were also addressed to the authorities of the opposite party management in this regard but all in vain. It has also been alleged that the management used to sell the products on higher prices to different institutions and farmers through their sale counters. Lastly it has been alleged by these workers that their oral termination without notice, notice pay or retrenchment compensation amounts to breach of provisions of section 25F of Industrial Disputes Act, 1947 and as such is illegal and unconstitutional. Further without providing them an opportunity of re-employment, several juniors to these workers have been engaged by the opposite party to perform the work from which their services were terminated in this management of IIPR have also breached the provisions of section 25-H of I.D. Act, 1947. The management tried to introduce contract system against permanent nature of work which is highly illegal and unconstitutional which is nothing but to protect themselves from the provisions of labour laws. On the basis of these allegations all the workers involved in the case have prayed that they be reinstated in services, with wages of permanent employee, with continuity of services and all consequential benefits.

5. The management of opposite party have filed a common reply against statement of claim submitted by the workers involved in the present dispute, alleging there in that the opposite party is purely a 'Research Institute' under the management and control of the Indian Council of Agricultural Research which functions under the Department of Agriculture, Research and Education and is an autonomous body registered under provisions of Societies Act, 1860. The management has denied the fact that it is an Industry within the meaning of section 2(j) of Industrial Disputes Act, 1947, as opposite party is not engaged in an activity which can be called within a trade or manufacturer, therefore, the present reference order is bad in law and is without jurisdiction. It is further alleged by the opposite party that the workers have never been

engaged or appointed by them, the claim of the workers are bad because of misjoinder and non joinder of necessary parties. It is alleged that the applicants involved in the present dispute are not workman within the meaning of section 2(s) of I.D. Act, 1947, and that there is no relationship of employ and employer between the applicant and the management of IIPR, Kanpur. The applicant had no left or right on any regular or permanent post under the management. It has been alleged that the applicant could not claim wages and work as a matter of right like regular and permanent employee as he/she never worked continuously against any regular and permanent vacancy. It has further been stated by the opposite party that they never discharged, dismissed retrenched or terminated the services of the applicant at any point of time either by written or oral order, hence individual dispute as alleged cannot be deemed to be an industrial dispute as defined under the provisions of section 2-A of the Act. It has also been denied that the opposite party is an employer within the meaning of section 2(g) of the Act. On the basis of these allegations it has been alleged that the entire reference order is liable to be struck down, as Central Government referred the dispute without application of mind. The dispute is belated hence is not maintainable under law. Applicability of provisions of 25-F, 25-H and 25-B have also been disputed by the management.

6. Apart from above legal grounds on merit it has been alleged by the management that the workers have never been engaged or employed in any capacity by them hence question of payment of wages as alleged by them does not arise. The allegations of the workers are false baseless, concocted, and misleading. The agriculture work is of casual nature and is got done through contractor having valid licence as and when required. The vacancy created under the management are filled up in accordance with the Rules and Regulations of the Government of India/Council of Agricultural Research and that the management of IIPR cannot create any new post nor appoint/promote any person without any vacancy nor incur any expenses beyond the sanctioned budget and allocation of fund, under these circumstances question of declaring the workers involved in the dispute as permanent employee of management does not arise at all. Management has further denied the fact that they ever adopted unfair labour practice. Management has also denied the fact that the workers have performed the work under their supervision and control. Management has denied continuous working of 240 days by these workers in any calendar year as such keeping of records like attendance register and payment registers in respect of these workers has been denied as well by the management. It has been alleged by the management that these workers are trying to secure back door entry in the services of the management by way of litigation in contravention of government rules. The management in their entire written statement have disputed relationship of master and servant/employer and employee between them and the workers involved in dispute repeatedly and have also cited various rulings of different High Courts and Apex Court, hence it is unnecessary to give further details of the written statement filed by the management. Management has also

denied the fact that the workers have performed the work of permanent nature under the management as claimed by them. On the basis of above it has been prayed by the management that the claim of the workers be dismissed being devoid of merit as the workers are not entitled to claim any relief from the management by way of present reference order.

7. Rejoinder statement has also been filed by the workmen in which nothing new has been stated except reiteration of the facts made in the claim statement.

8. Contesting parties have also filed documentary evidence in the case beside adducing their oral evidence.

9. Besides the oral submissions advanced on behalf of the either of the Contesting parties, written arguments have also been filed in support of their respective claims and counter reply. Having heard the detailed arguments and also having examined the written arguments filed on behalf of the parties, the controversy centres found on the following main points:—

- (i) Whether the management of opposite party i.e. Indian Institute of Pulses Research, Kanpur, can be termed as Industry under the provisions of Industrial Disputes Act, 1947.
- (ii) Whether there is any relationship of workman and Employer as alleged by the workers between the opposite party & workers?
- (iii) Whether the workmen were direct employee of the Management and their services were illegally terminated as claimed by them?
- (iv) To what relief are the workers are entitled?

The contention of the management on points No. (i) is that the Indian Institute of Pulses Research, Kanpur, is not an Industry under the provisions of industrial Disputes Act, 1947 as it deals with research activities of augment the agriculture products and it does not deal with any sale or earns profit of the products acquired by the Institute. It is admitted fact that the management of IIPR conducts various scientific research for the benefit of farmers at large to enhance their agriculture production which ultimately assist enhancement in national product in the field of agriculture. It is also an admitted fact that the seeds so produced after research etc. are thereafter distributed to the farmers against price and produce obtained in research work is also sold. Thus it cannot be said that IIPR opposite party is not an Industry as termed under the provisions of I.D. Act and that IIPR opposite party is engaged in commercial and industrial activities, therefore, it cannot be accepted that the opposite party is merely carrying on research activities only. Reliance on behalf of the management has been placed on the law reported in 1989 Col. 10 Administrative Tribunal cases page 849 M. Parmeshwaram versus Chief Administrative Officer CSIR New Delhi and others wherein the Administrative Tribunal has held that CSIR may not be an Estate under Article 12 of the Constitution of India but has held that the Tribunal had jurisdiction to decide this issue. Thus the law cited by the management is of no help to them.

10. The workers have also filed a copy of Award granted by the learned presiding officer of this tribunal wherein management of IIPR has not pressed this issue that IIPR is not an Industry. During the course of arguments before this tribunal and also looking to the facts that there is no evidence contrary to it can be safely held that IIPR opposite party is an Industry as defined under the provision of I.D. Act. Thus controveersee on point No. 1 is therefore decided in favour of the workers and against the management of IIPR.

11. Points mentioned above at serial No. 2 & 3 are taken together as they are interdependant.

12. The claim of the workers are that they are/were appointed directly by the management of IIPR and were being wages directly by the opposite parties. This fact has been denied vehemently by the management. The contention of the management is that they never employed the workers nor any wages or remuneration was ever paid to them directly by the management of IIPR. The workers may be the employees of the contractor who had control and supervision over the working of the workers involved in the present dispute and that the work in contingency might have been taken through the contractor and the contractor was paid for the job rendered by him on contract basis through his labourers. From the evidence on record it is admitted fact that the workers were never issued any appointment letter nor any termination order was ever issued in their favour by the management of IIPR, Kanpur. Heavy burden lies on the workers to prove this fact that they were taken into employment or engaged directly by the management of IIPR. Overwhelming stress workers is made to the effect that the management has not examined licenced contractor nor the licence contractors name did appear in the written statement filed against the workers calim statement by the management of IIPR. Management from the very beginning has denied the fact that it ever engaged any worker directly under them. Mere non mentioning the contractors name or not examining the contractor to rebut the claim of the workers would not *ipso facto* entitled any of the worker to hold that these workmen are direct employee of the management of IIPR. Certain test will have to be applied to decide the relationship of 'Master & Employer' between the contesting parties. The Hon'ble Supreme Court in a case reported in 203 (99) FIR page 1064 between Ram Singh and others versus Union Territory of Chandigarh and others held that besides the control all other relevant facts and circumstances are required to be considered including the terms and conditions of the contract. It has clearly has been laid down by Hon'ble Court in that case that in determining the relationship of employer and employee no doubt control is one of the main test. An integrated approach is needed to determine this fact. Unless it proved that the employer retains or assumes control over the means and method of work of a contractor, the relationship between employer and employee cannot be accepted to exist. In the present case the workers in their oral testimony alleges that their work was being controlled by Farm Manager Mr. Katiyar. This fact has been clearly denied on oath by Mr. Katiyar himself when

he was examined before the tribunal as witness of the opposite party. In the next breath the employee has admitted that he had to work under the scientist whose name has also been disclosed by the worker in their evidence. If this factual position is accepted then the fact cannot be accepted that Mr. Katiyar Farm Manager of the opposite party had control over it who is only posted as Farm Manager of the employer. During the course of argument it has been impressed upon that the skill work assisting in search work is taken by the regular employees of the IIPR but unskilled work relating basic augmentation of the purpose of agriculture work is got done through contract's labours who supplies the labourer for the product and work and the contractor is paid in lumpsum for the job conducted by him. On the record contractors licence is also filed and also the payment made to the contractor for various jobs rendered by contractors through his agents. Thus it cannot be accepted that any of the worker involved in the present reference order was in direct employment of the opposite party. The workers have tried to comaflouge himself as direct employee when they state that they were paid on monthly basis. This fact is self contradictory when the workers admits that they were never paid for sundays and that they do not know at what rate they were paid their daily wages. Therefore it can well be established that the workers involved in the present reference have no relationship of Master and Servant as claimed by them between them and the management of IIPR.

13. On behalf of the Management Administrative Officer Mr. Syal has also been examined who has categorically stated that none of the workers was the direct employee of the Management or Worked directly under his supervision and control. Workers side has insisted upon the fact since the payment and attendance register have not been filed by the Management which could have through light upon the point as to whether at any point of time these workers remained under direct employment of the management. This fact has also been denied by the management as they had no direct control and supervision over the working of the workers involved in the present reference. The onus to prove the fact that these workers were the direct employees of the Management lies on the workers but they have failed to discharge the onus to prove the fact.

14. Workers have also filed a photocopy of a award rendered by this tribunal in another industrial case and places reliance that on the same basis the workers may be held to be the direct employee of the Management. This contention of the workers cannot be accepted on the grounds that the said award does not relate to the present workers and that even that award is under challenge before the Hon'ble High Court and yet not attained finality thus is subjudice. Further award passed in earlier Industrial Dispute Cases are based on other grounds and evidence hence workers cannot be allowed to take any advantage of an award of this tribunal which is still subjudice and is pending for disposal before the Hon'ble High Court of judicature at Allahabad. Therefore it cannot be made a ground for passing an award in favour of the workers.

Point Nos. 2 and 3 are therefore decided in favour of the Management and against the workers.

15. Having failed to prove that the workers involved in the present dispute are the direct employee of the Management of IPR Kanpur by adducing other relevant documentary evidence supported with oral evidence the tribunal is bound to hold that there do not exist any relationship of master and servant between the contesting parties and that the demand of the workers cannot be said to be tenable in the eye of law.

16. In view of discussions of facts and law as made above, it is held that the action of the management in terminating their services from the date mentioned in the reference order cannot be said to be illegal and unjustified. Accordingly it is held that the workers of each of the industrial dispute mentioned in the present award are not entitled for any relief as claimed by them.

17. Award is given accordingly.

SURESH CHANDRA, Presiding Officer

नई दिल्ली, 2 जनवरी, 2006

का. अ. 346.— औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार कोन्कण रेलवे कारपोरेशन लि. के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण सं. 1, मुम्बई के पंचाट (संदर्भ संख्या सी जी आई टी-21 ऑफ 2005) को प्रकाशित करती है, जो केन्द्रीय सरकार को 2-1-2006 को प्राप्त हुआ था।

[सं० एल-41011/22/2004-आई आर (बी-1)]
अजय कुमार, डेस्क अधिकारी

New Delhi, the 2nd January, 2006

S.O. 346.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. CGIT-21 of 2005) of the Central Government Industrial Tribunal No. 1, Mumbai now as shown in the Annexure in the Industrial Dispute between employers in relation to the management of Konkan Railway Corporation Ltd., and their workman, which was received by the Central Government on 2-1-2006.

[No. L-41011/22/2004-IR(B-1)]

AJAY KUMAR, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL NO. 1, MUMBAI

JUSTICE GHANSHYAM DASS

Presiding Officer

Reference No. CGIT-21 of 2005

Parties:

Employers in relation to the management of Konkan Railway Corporation Ltd.,

And
Their workmen

Appearances:

For the Management	: Absent.
For the Workman	: Absent.
State	: Maharashtra

Mumbai dated the 15th day of December, 2005

AWARD

1. This is a reference made by the Central Government in exercise of its powers under clause (d) of sub-section 1 and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947 (the Act for short). *vide* Government of India, Ministry of Labour, New Delhi, Order No. L-41011/22/2004-IR(B-1) dated 4-7-2005. The terms of reference given in the schedule are as follows:—

“Whether the action of the management of Konkan Railway Corporation Ltd., in allotting quarters for workman employed in the Mechanical Department at Margao without following the seniority list is legal and justified? If not, to what relief the workmen is entitled for?”

2. Despite the service of Notice by Registered Post upon the Chairman, National Railway Mazdoor Union, Goa Unit, Mazdoor Bhawan, Central Railway Qtr., G-90, Bhandarkar Road, Matunga (East), and also the Regional Railway Manager, Konkan Railway Corporation Ltd., Karwar, Karnataka, none of the parties to the reference appeared before this Tribunal to contest the matter. In these circumstances, I have no other alternative but to dismiss the reference for want of evidence on record to draw a conclusion that the action of the management of Konkan Railway Corporation Ltd., in allotting quarters for workman employed in the Mechanical Deptt. is not legal and unjustified. In these circumstances, the workmen are not entitled to any relief.

3. The reference is answered accordingly.

JUSTICE GHANSHYAM DASS, Presiding Officer

नई दिल्ली, 2 जनवरी, 2006

का. अ. 347.— औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बैंक ऑफ राजस्थान लिमिटेड के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, जबलपुर के पंचाट (संदर्भ संख्या सी जी आई टी/एल सी/आर/96/04) को प्रकाशित करती है, जो केन्द्रीय सरकार को 2-1-2006 को प्राप्त हुआ था।

[सं० एल-12012/161/2004-आई आर (बी-1)]
अजय कुमार, डेस्क अधिकारी

New Delhi, the 2nd January, 2006

S.O. 347.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central

Government hereby publishes the award (Ref. No. CGIT/I.C/R/96/04) of the Central Government Industrial Tribunal/Labour Court, Jabalpur now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Bank of Rajasthan Limited and their workman, which was received by the Central Government on 2-1-2006.

[No. L-12012/161/2004-IR (B-1)]
AJAY KUMAR, Desk Officer

ANNEXURE
BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT,
JABALPUR
NO. CGIT/LC/R/96/04

Presiding Officer : Shri C.M. Singh

The General Secretary,
Daily Wages Bank Employees Association,
7, Sanwer Road, Ujjain. ... Workman/Union

VERSUS

The Assistant General Manager,
Bank of Rajasthan Limited,
G-3, Sadar Patel Marg,
Jaipur. ... Management

AWARD

Passed on this 19th day of December, 2005

1. The Government of India, Ministry of Labour vide its Notification No. L-12012/161/2004-IR(B-1) dated 20-8-04 has referred the following dispute for adjudication by this tribunal :—

“Whether the action of the management of Asstt. General Manager, The Bank of Rajasthan Ltd., in not regularising the services of Sh. Umesh Yadav is justified? If not, to what relief the workman is entitled for?”

2. Workman Shri Umesh Yadav filed his statement of claim and thereafter the management filed its Written Statement and the case was fixed for filing rejoinder by workman on 30-12-05. But before the said date on 15-12-05, a joint application was moved by the parties with the prayer that the case be taken up on 15-12-2005 as the dispute has been compromised between the parties outside the court. In view of the above application, the case was taken up on that date i.e. on 15-12-2005. The parties filed settlement deed on Form-H which was duly verified by me and the reference was therefore closed for award.

3. It has been submitted by the workman in person and Shri S. K. Rao, Sr. Advocate the learned counsel for the management that a compromise has taken place between the parties outside the court. The settlement deed on Form-H has been duly verified by me. On this deed, Shri S. K. Rao, Sr. Advocate the learned counsel for the management identified the signature of Shri Laxman Sharma, Sr. Manager, the Bank of Rajasthan Ltd., Regional

Office, Indore and Shri Laxman Sharma, Sr. Manager Bank of Rajasthan Ltd., Regional Office, Indore identified the workman Shri Umesh Yadav and his signature on the settlement deed. He made endorsement on the settlement deed that he identified Shri Umesh Yadav who is present before the tribunal, he was their employee and as per compromise they are going to employ him again. The following are the terms of settlement :—

- (i) The management agrees to appoint Shri Umesh Yadav against a permanent vacancy in a subordinate cadre anywhere in its Branch/Office of the Bank in the State of Rajasthan/Madhya Pradesh/Chhattisgarh/Punjab/Delhi initially on probation for a period of 6 months as per bi-partite settlement absolutely as a fresh appointee.
- (ii) The workman agrees that he will not claim any benefits in respect to his past services rendered by him on a temporary basis in any Branch/Office of the Bank.
- (iii) That the Bank will issue a letter of appointment to the workman within a period of 60 days of the settlement, the workman agrees to join his duties at his place of posting in the State of Rajasthan/Madhya Pradesh/Chhattisgarh, Punjab/Delhi wherever there is a vacancy within 15 days on receipt of letter of appointment.
- (iv) That if the workman fails to join duties within the period as per clause 3 of the settlement he will forfeit his right to the post offered.
- (v) That this settlement arrived at between the parties finally disposes of all the claims of the workman in respect of past services rendered by him in any branch/office of the Bank on temporary basis and subsequent termination of his service by the Bank. The workman shall not file any claim, if any, in any Court/Tribunal on the point settled hereunder.
- (vi) This agreement has arrived at between the parties keeping in view the special fact and circumstances of the matter in dispute and will not form precedent for any other dispute in respect of any employee of the Bank.
- (vii) Both the parties are advised to submit implementation report within 3 month of the settlement to the Presiding Officer, CGIT, Jabalpur otherwise it will be presumed that the settlement is fully implemented.”

4. The terms of settlement arrived at between the parties are just and fair. Therefore the award is recorded in terms of settlement without any order as to costs.

5. Copy of the award be sent to the Govt. of India, Ministry of Labour as per rules.

C. M. SINGH, Presiding Officer

नई दिल्ली, 3 जनवरी, 2006

का. आ. 348. — औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मै० कास्ट्रोल इंडिया लि० के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय मुम्बई-1 के पंचाट (संदर्भ संख्या 34/1998) को प्रकाशित करती है, जो केन्द्रीय सरकार को 30-12-2005 को प्राप्त हुआ था।

[सं० एल-30012/110/97-आई.आर.(सी-1)]

एस. एस. गुप्ता, अवर सचिव

New Delhi, the 3rd January, 2006

S.O. 348. In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 34/1998) of the Central Government Industrial Tribunal/Labour Court Mumbai-1 now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of M/s. Castrol India Ltd. and their workman, which was received by the Central Government on 30-12-2005.

[No. L-30012/110/97-IR(C-1)]

S. S. GUPTA, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO.1

MUMBAI

PRESENT

JUSTICE GHANSHYAM DASS

Presiding Officer

REFERENCE NO. CGIT-34 OF 1998

PARTIES: Employers in relation to the management of
M/s. Castrol India Limited

And

Their Workman.

APPEARANCES:

For the Management : Mrs. G.L. Govil, Adv.

For the Workman : Mr. Chaubal, Adv.

State : Maharashtra

Mumbai dated the 14th day of December, 2005

AWARD

1. This is reference made by the Central Government in exercise of its powers under clause (d) of sub-section 1 and sub-section 2A of Section 10 of the Industrial Disputes Act 1947 (the Act for short). Vide Government of India, Ministry of Labour, New Delhi, order No.L-30012/110/97-IR(C) dated 27-8-1998. The terms of reference given in the schedule are as follows :

"Whether the action of the management of M/s. Castrol India Ltd., in dismissing the services of Mr. Vasant Vishwanath Ranpise, an ex-driver w.e.f. 14-3-1996 without following the provisions of the ID Act 1947 is legal and justified? If not, what relief the workman concerned is entitled to?"

2. The case of the workman Shri. Vasant vishwanath Ranpise (hereinafter referred to as the workman) as borne out from the Statement of claim filed by him on 14-10-1998, in brief, is that he was employed as Driver in November 1990 by M/s. Castrol India Ltd. (hereinafter referred to as the Company. (1st Party). He worked there continuously for a period of 240 days in each year till the date of termination i.e. 14-3-1996. He was not being given the benefits at par with other drivers of the Company in the form of PF, ESI, Bonus etc. and when he insisted for it and also for signing the muster roll, he was removed illegally without complying with the due procedure of law as provided under Industrial Disputes Act 1947 (hereinafter referred to as the Act). He was working with Mr. A.K. Sequeira, General Manager of the Company. When he requested Mr. Sequeira to make him permanent on several occasions and lastly on 13th March 1996, upon which Mr. Sequeira got annoyed and started abusing and also assaulted by giving a slap to him. The workman had to file a police complaint for it at Agripada Police Station. Mr. Sequeira took the keys of the car from him and he was not allowed to resume duties from the following day, i.e. 14-3-1996. He filed a complaint before the Commissioner of Labour, Maharashtra at Mumbai on 14-3-1996. The order was passed upon his complaint registered as No. 190 of 1996 on 20-4-1996 and the Company was directed to deposit wages for each month by 7th. This order was passed ex parte and upon contest, finally, the complaint was dismissed for want of jurisdiction. He then raised the Industrial dispute the Conciliation Officer which led to the reference before this tribunal.

3. The written statement has been filed by the company. The contention, in brief, is that there is no relationship of employer and employee. The workman was never appointed by the company nor ever removed from service as alleged. Thus, the provisions of Industrial Dispute Act are not attracted and the reference is not maintainable. It is alleged that the company is a Public Ltd. engaged in the manufacturing and marketing of automotive, industrial and marine lubricating oils and is a specialist in various lubricating oils manufactured by it. It has its Registered and Corporate Office at White House, 91, Walkeshwar Road, Mumbai and several manufacturing units at different locations. One of the perquisite provided by the company to its Executive is the Company's car for the personal and official use by such Executives and their families. The Company reimburses to such Executives fixed monthly amount towards reimbursement of the salary of the drivers employed and paid by the Executives for driving the Company's car given to them. The driver was being kept by the Executives in the personal capacity and the reimbursement towards the employment of a driver was made by the Company to the limits as provided. It was immaterial as to whether the Executives used to pay higher salary to the driver or less salary. If the higher salary is paid it would be borne by the Executive himself. This perquisite is taxable under Income Tax Act and it paid by the Executive. The driver is never kept on the muster roll of the Company nor driver works under the control or the supervision of the Company. The Executive had a right and to appoint the

driver of his choice and terminate him at his sweet will. Mr. Sequeira was appointed as General Manager, HRD by the Company at its Corporate and Registered Office at Mumbai. He was given a Company's car and was allowed a fixed monthly amount as a prerequisite reimbursement of drivers salary. The car was used for the company's work as well as personal work. The workman under reference was engaged as driver by Mr. Sequeira and hence his employment does not come within the definition of Section 2(1) of the I.D. Act. The monthly wages were paid to the workman by Sequeira directly and reimbursement was made to Mr. Sequeira as evident from the documents (Ex-A1 to A12).

4. The only controversy for determination in this reference is as to whether the workman has proved himself to be the employee of the Company. It is to be seen as to whether the relationship of employee and employer exist in between the parties. If the workman is successful in showing that he was employed by the Company, he would be naturally entitled to all the relief claimed by him for the obvious reason that he has been removed from service without following the mandatory provisions of I.D. Act. more particularly, section 25-F. The workman has not been charge sheeted nor any enquiry has been conducted nor any notice of termination has been given nor he has been paid one month wages at the time of termination of service. If the workman fails to prove his case he is not entitled to any relief whatsoever. The workman has filed his own affidavit in support of his case. He has also filed certain documents upon the basis of which it is submitted that he is proved to be the ex-employee of the Company. On the other side, the Company has filed affidavit of Mr. Sequeira and one Mr. Harish P., Finance Director with M/s. Chaitra Leo Burnett Co. He was working as Senior Manager, Taxation and Finance with the Company in question at the relevant time between September 1994 to October 2000. The parties have also filed documents. The genuineness of the document is not disputed by either of the parties. The explanation had been furnished by the Company to show that the documents filed by the workman in support of his case are not sufficient for a conclusion in his favour regarding his employment by the Company.

6. The first material documents upon which heavy reliance is being placed by the workman to show that he was employed by the Company is a certificate dt. 15-12-1992 typed on the letter head of Castrol India Ltd. it reads :—

TO WHOMSOEVER IT MAY CONCERN

"This is to certify that Mr. Vasant V. Ranpise is working as a driver in Castrol India Ltd. White House, 91 Walkeshwar Road, Bombay-400006. He is at present staying at Matunga Labour Camp, E ward Chawl No. 5, Room No. 8, Ambedkar Marg, Bombay - 400019, he is required to attend his duty at Castrol India Ltd, Walkeshwar, at 7.30 in the morning till around 9 PM when he return home.

This certificate is being issued to him as a measure of identification."

7. The first impression on a reading of the aforesaid certificate goes to show that the workman was an employee of the Company; but it is not so. The satisfactory explanation has been furnished by the Company to show the circumstances under which the issuance of this certificate had become necessary and it was being issued as a measure of identification. The explanation is that there were riots in Mumbai in December 1992. The Driver approached Mr. Sequeira in view of the riotous situation in his residential area which was located in Dharavi in 'E' ward Chawl No. 5, Room No. 8, Ambedkar Road, Matunga Labour Camp, Mumbai. The Police Authorities were frequently interrogating and harassing him (driver). The driver therefore, requested him to issue a certificate for identification to the effect that he was required to attend the duty in Castrol India Ltd. from 7.30 AM to 9.00 PM so that he could produce such certificate to the Police Authority to avoid unnecessary interrogation and harassment. Mr. Sequeira out of sympathy issued a certificate on the letter head of the Company making it clear that it was issued to him as a measure of identification. The riots actually took place in Mumbai in December 1992. This fact is not disputed. Thus, I feel that satisfactory reason has been offered by the Company to show the circumstances under which the driver was issued certificate. I feel that this certificate does not go to prove that the workman was employed by the Company.

8. Admittedly, the workman was not issued any appointment letter by the Company. He has never permitted to sign the muster roll. He was never paid the wages through pay slips by the company. It has been shown that the Company pays the salary to its employees through cheques. The workman was never paid salary through cheque. He was not given the benefits of PF, ESI, Bonus, Casual Leave etc. No service record was maintained by the Company.

9. The confusion arose in the mind of the driver (workman) in the instant case which led him to believe that he was employed by the Company on account of the reason that he was being kept by the none else but by the General Manager himself. He was naturally required to perform the duties of the driver as such for office as well as personal use by Mr. Sequeira, who was provided a car by the Company. Since the car was provided by the Company to the General Manager, the workman did perform the duties as driver of the Company's work as well as personal work of Sequeira. For this reason, he was required to sign the vouchers for purchase of fuel for the Company's work. For these reason, he was provided Uniform and shoes by the Company. He was never provided a logo by the Company to distinguish and specify him as employee of the Company. The documents filed by the workman Ex W-4 to Ex. W-14 only to go to show that they were necessary since the car which was driven by the workman belonged to the Company and naturally any expense to be incurred for it would go to the Company. The driver simply got job work done or fuel purchased for it. All these documents did not go to show that the workman was employed by the Company. Since the workman was working with the General Manager, it was natural for him to have got the uniform.

shoes, umbrella and coupon of the canteen for enjoying refreshment at a concessional rate. None of the documents filed by the workman except the one (certificate) has got any relevance in showing the relationship of employer and employee in between the parties. The certificate dt. 15-12-1992 is the only material piece of evidence in favour of the workman but that is not sufficient in view of the explanation offered by Sequira. It may be a case of misuse of the office by Mr. Sequira appointed as General Manager with effect from 1-11-1990 that he treated the driver in such a fashion that the driver believed himself to be a workman of the Company but the fact remains otherwise. No evidence worth the name is available on record for drawing the conclusion in favour of the workman. The burden lies upon the workman to prove that he was the employee of the Company. This burden is not discharged on record.

10. Mr. Sequira has been appointed General Manager w.e.f. 1-11-1990. The appointment letter has been filed on record. It has been successfully shown that as per terms and conditions of the appointment, the perquisites were being given to Sequira and one of those perquisite was providing a car. It has been successfully shown on record that Mr. Sequira since his taking over charge as General Manager appointed Mr. Ranpise (workman) in his personal capacity as a driver and he worked as such with him till termination. The reimbursement was always made to Sequira as provided under terms and conditions. It is material to note that the workman always received the salary in cash from Sequira on a typed receipt duly affixed by a revenue stamp. It is altogether wrong to allege that workman was paid salary by the Company. No evidence worth the name is available on record to show that the workman was ever paid any salary by the Company. The payment was made by Sequira in cash to the workman. The Company pays the salary to its employee through cheque. The workman was never paid any salary through cheque. The receipts in the form of Ex-A1 to Ex-A12 have been filed by the Company to show that the workman always received amount of salary from Sequira. The documents Ex-B-1 to B-11 have been filed to show that reimbursement was given to Sequira. The originals of all these referred documents have also been filed on record.

11. The workman admitted in his cross examination that he was not issued any appointment letter by the Company. He was driving the car given to Sequira by the Company which was used by Sequira for personal and official use as well. He never insisted the Company to issue letter of appointment and he did not know that the employees of the Company were being paid the wages through cheque. He was never required to sign the muster roll nor was ever given any pay slip or cheque by the Company. He was not given the benefit of PF, ESI etc. He also admitted that he was not a member of the Union of the employees of the Company. These averments make it clear that he was not the employee of the Company.

12. Regarding the assault dated 13-3-96, a day earlier to the alleged termination from service, I feel that no benefit can be derived at from it by the workman. No action was ever taken by the police on the alleged Complaint of assault.

It is difficult to believe that any assault was actually made by Sequira upon the workman.

13. In a case reported in 1978 1 LLJ 312 in between Punjab National Bank and Ghulam Dastagir the Honourable Supreme Court held that:—there is nothing on record to indicate that the control and direction of the driver vested in the Bank. After all, the evidence is clearly to the contrary. In the absence of material to make out that the driver was employed by the Bank, was under its direction and control, was paid his salary by the Bank and otherwise was included in the army of employees in the establishment of the Bank, it cannot be assumed that the crucial point has been proved. There is no camouflage or circumvention of any statute.

(ii) In another case reported in 1994 II LLJ 792 between Standard Chartered Bank vs. Asstt. Labour Commissioner (Central) & Ors. the honourable High Court of Calcutta held that:—*At no material point of time the petitioner bank had appointed the driver and there cannot be any conciliation proceedings. Admittedly, there was neither any letter of appointment nor termination order. It appears from the records that the workman had obtained employment from the employee of the bank in his personal capacity. There is, therefore, no industrial dispute and the first respondent has no jurisdiction to initiate any conciliation proceedings.*

(iii) In the case of Shri Bhagwan vs. National Housing Bank and Others reported in 2001 LLR 866 the Honourable High Court of Delhi observed that *"reimbursement of conveyance expenses including the payment of wages and petrol to the Chairman and Managing Director will not treat the driver, as the employee of the Bank."*

14. In another case reported in 2000 (4) LLN 948 between Nazir Ahmed vs. A. Ramchandran and Anr. the Honourable Madras High Court held that—*Giving undue importance to a certificate produced by a workman which was alleged to have been issued to help the workman was not proper and the Labour Court was not justified in relying upon the oral evidence of the workman who had a grudge against the management. The evidence of the workman was discarded and it was held that the certificate given to him as a help was misused by him to show that he was a workman.*

15. In the instant case similar is the situation since the certificate issued to the workman in lieu of riotous conditions in 1992 is now being wrongly used as a certificate for employment. It is clear from the certificate that it was being issued as a measure of identification. It could not be said to be a substitute to the letter of appointment which was never issued by the Company at the time of the inception of the employment in the year 1990.

16. Considering the entire evidence available on record and the discussions made above, I conclude that the workman is not proved to be the employee of the Company. The workman was never kept on the muster roll of the Company. There was no relationship of employee

and employer. The workman was not appointed by the Company as alleged. He was not removed from service by the Company. He was kept as a personal driver by Mr. Sequeira enjoying the facility of perquisite in the form of providing a car by the Company which was being used for personal and official purposes. In view of the above, the reference is not maintainable and the workman is not entitled to any relief.

17. The reference is answered accordingly.

JUSTICE GHANSHYAM DASS, Presiding Officer

नई दिल्ली, 3 जनवरी, 2006

का. आ. 349.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एअर इंडिया लि० के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, मुम्बई-1 के पंचाट (संदर्भ संख्या 39/1999) को प्रकाशित करती है, जो केन्द्रीय सरकार को 30-12-2005 को प्राप्त हुआ था।

[सं० एल-11012/103/98-आई.आर.(सी-1)]

एस. एस. गुप्ता, अवर सचिव

New Delhi, the 3rd January, 2006

S.O. 349.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 39/1999) of the Central Government Industrial Tribunal/Labour Court Mumbai-1 now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Air India Ltd. and their workman, which was received by the Central Government on 30-12-2005.

[No. L-11012/103/98-IR(C-1)]

S.S.GUPTA, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1

MUMBAI

PRESENT:

Justice Ghanshyam Dass, Presiding Officer

REFERENCE NO. CGIT-30 OF 1999

PARTIES:

Employers in relation to the management of
M/s. Air India Limited

And

Their Workman.

APPEARANCES:

For the Management : Mrs. M. Das, Advocate
For the Workman : Mr. Nimbalkar, Advocate
State : Maharashtra

Mumbai dated the 13th day of December, 2005

AWARD

1. This is a reference made by the Central Government in exercise of its powers under clause (d) of sub-section 1 and sub-section 2A of Section 10 of the Industrial Disputes Act, 1947 (the Act for short). Vide Government of India, Ministry of Labour, New Delhi., Order No. L-11012/103/98-IR(C-1) dated 17-5-1999. The terms of reference given in the schedule are as follows:

"Whether the action of the management of Air India Ltd., in terminating the services of Mr. Prakash Namdeo Gangurde. Casual Labour w.e.f. 8-6-1989 is legal and justified? If not, what relief the workman concerned is entitled to?"

2. The case of the workman Mr. P.N. Gangurde as borne out from the Statement of Claim dated 10-12-2002, in brief, is that the workman was employed as Sweeper by the employer M/s. Air India Ltd. In its Civil and Properties Department and he worked as such in the year 1987 till June 1989 and thereafter, in the Tractor Section in GAD Maintenance Department as casual workman. The workman was working through contractor namely M/s. Komal & Party with the employer. He was working under the Officer Mr. Irani and Mr. Moghe. He was issued Security Pass No. 3345. The workman worked for about six years with the employer through the contractor as casual employee and discharged his duties honestly and diligently. He worked for more than 240 days with the employer through contractor on the muster roll of the employer but he was not made permanent. He was terminated from the employment by the employer w.e.f. 8-6-1989 and was put on the roll of the contractor where he worked up to 16-4-1992. It is contended that the termination is illegal for not following the due procedure as prescribed under the provisions of the Industrial Dispute Act 1947 since the compliance of Section 25-F was not made.

3. The contention put forth by the employer through written statement, in brief is that the workman never worked as workman of M/s. Air India Ltd. on any date whatsoever and his services were never terminated by the management of Air India Ltd. as alleged with effect from 8-6-1989. He did not work as a employee of M/s. Air India Ltd. even for a day what to say of 240 days in a year. The workman was put to strict proof of the averments made by him in his statement of claim. Each and every averment made by the workman has been denied specifically by the management of Air India.

4. The workman filed his own affidavit in support of his claim. The management did not led any oral evidence. No document whatsoever has been filed by the parties to the reference.

5. The submissions made by the parties have been heard and the record is perused.

6. The only question for determination in this reference is as to whether the workman proved himself to be an employee of Air India Ltd. as alleged. If the workman is successful in proving this contention, he is naturally to succeed in this reference and he would be entitled to all the relief as claimed. If the workman fails to prove that he was ever employed by the management, the question of determining the justifiability of termination of service as such does not arise and that being so the workman is not entitled to any relief.

7. The workman has filed his own affidavit in support of his claim. His affidavit is not believable for the want of corroboration by any evidence whatsoever. The sole affidavit is not acceptable in view of admissions made by him in his cross examination, wherein he admitted that he was not given a letter of appointment by Air India Ltd. He

was paid by Mr. Sawant, Supervisor. He did not give any receipt. He was working under Mr. Irani and Mr. Moghe who were working with Air India Ltd. He was not given any pay slip. He specifically admitted that he could produce documents before this tribunal to show that Air India had appointed him. It is surprising that the instant reference is pending for the last more than six years but still no documents whatsoever has been filed to show on record that he was ever employed by Air India. The burden lies upon the workman to prove that he had been the workman of M/s. Air India Ltd. For want of evidence, it is difficult to conclude that the workman has specifically proved himself to be a workman of Air India. The workman does not have any appointment letter. He does not have any proof that he was ever paid the wages by Air India Ltd. He does not have any proof to show that his work was being supervised by the Officers of Air India Ltd. He does not have any proof to show that his service record was maintained by Air India. It is further surprising to note that the workman alleged to have been removed from service on 8-6-1989 but he admittedly worked with the contractor from 8-6-1989 till April 1992. He specifically averred in his own affidavit that after removal from 8-6-1989 he was put on the roll of the Contractor to defeat the claim of permanency. No proof is available on record that the workman was ever removed by Air India or that the workman was ever placed on the roll of contractor from 8-6-1989. No reliable evidence whatsoever is available on record to conclude that the workman ever worked with Air India and that being so, the question of his working for 240 days in a year with Air India does not arise. As per own admission of the workman he allegedly worked with the Air India for a short period from 1987 to June 1989. It is surprising that it has nowhere been disclosed so far as to from which date and which month of the year 1987, the workman was employed by the Air India. In this back ground, the question of removal of workman from service by Air India does not arise and that being so, the question of determining the justification of the action of the management of Air India Ltd. in terminating the service of the workman does not arise. The reference is not maintainable. The workman is not entitled to any relief.

8. The reference is answered accordingly.

JUSTICE GHANSHYAM DASS, Presiding Officer

नई दिल्ली, 3 जनवरी, 2006

का. अ. 350.— औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार में डेल्टा एयर लाइंस के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अपीलेशन/श्रम न्यायालय, मुम्बई-1 के पंचाट (संदर्भ संख्या मि० एपीलीकेशन नं० 4/2004) को प्रकाशित करती है, जो केन्द्रीय सरकार की एग्रीजिंग आउट ऑफ रेफ० नं० सीजीआईटी-आई/64/2003, 30-12-2005 को प्राप्त हुआ था।

[No. L-11012/51/2001-IR(C-I)]

एस. एस. गुप्ता, अवर सचिव

New Delhi, the 3rd January, 2006

S.O. 350.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central

Government hereby publishes the award Misc. App. No. 4 of 2004 (Arising out of Ref. CGIT/64/2003) of the Central Government Industrial Tribunal/Labour Court Mumbai-I now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of M/s Delta Air lines and their workman, which was received by the Central Government on 30-12-2005.

[No. L-11012/51/2001-IR(C-I)]

S. S. GUPTA, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1

MUMBAI

Present

Justice Ghanshyam Dass Presiding Officer

Miscellaneous Application No. CGIT-4 OF 2004

(Arising out of Ref. CGIT-64 of 2003)

Parties : Delta Airlines Association : Applicant

Vs

M/s. Delta Airlines

APPEARANCES:

For the Management : Shri G. Shetty, Adv.

For the Workman : Shri R. B. Chavan, Adv.

State : Maharashtra

Mumbai dated the 20th day of December, 2005

JUDGEMENT

1. This is the Miscellaneous Application moved by the Delta Airlines Employees Association (hereinafter referred to as the Applicant) for setting aside the exparte award dated 13-1-2004 in CGIT-64 of 2003 on the ground that the Applicant had no knowledge of the exparte award. The Applicant came to know of the said award on being received the copy of the exparte award along with notice. The Applicant then took steps and moved the instant application for setting aside the exparte award.

2. The application is not being opposed to by the other side either orally or in writing. No objection whatsoever has been filed on record. The learned counsel for the applicant was asked to show the provisions under which the instant application is being moved. The learned counsel moved an application today along with xerox copy of the judgement in between Anil Sood Vs. Persiding Officer, Labour Court-II reported in 2001 II CLR 18, wherein the Honourable Supreme Court *Vide* para 5 and 6 held that.—

This Court in Grindlays Bank Ltd's case (*supra*) examined the scheme of the provisions under the Industrial Disputes Act and enunciated that Section 11 of the Industrial Disputes Act conferred ample powers upon the Tribunal to devise its own procedure in the interest of justice which includes powers which bring out the adjudication of an existing industrial dispute. Sub-sections (1) and (3) of Section 11 of the Act thereby indicate the difference between procedure and powers of the Tribunal under the Act, while the procedure is

left to be devised by the Tribunal to suit carrying out its adjudication.'

If this be the position in law both the High Court and the Tribunal fell into error in stating that the Labour Court had become functus officio after making the Award through ex-parte. We set aside the order made and the Award passed by the Labour Court and affirmed by the High Court in this regard, in view of the fact that the learned Counsel, for the respondent conceded that application filed by the appellant be allowed, set aside the ex-parte Award and restore the reference.

3. In view of the law laid down by the Honourable Supreme Court and keeping in mind, the fact that the application for setting aside the ex-parte award is not being opposed to by the other side, the application is liable to be allowed.

4. The application is accordingly allowed and the ex-parte Award is set aside. The CGIT No. 64 of 2003 is restored to its original number.

JUSTICE GHANSHYAM DASS, Presiding Officer

नई दिल्ली, 3 जनवरी, 2006

का. आ. 351.— औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सैन्ट्रल बैंक ऑफ इण्डिया के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, जबलपुर के पंचाट (संदर्भ संख्या 280/1999) को प्रकाशित करती है, जो केन्द्रीय सरकार को 3-01-2006 को प्राप्त हुआ था।

[सं० एल-12012/215/97-आई आर (बी-II)]

अजय कुमार, डेस्क अधिकारी

New Delhi, the 3rd January, 2006

S.O. 351.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (280/1999) of the Central Government Industrial Tribunal/Labour Court, Jabalpur now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Central Bank of India and their workman, which was received by the Central Government on 3-01-2006.

[No. L-12012/215/97-IR(B.II)]

AJAY KUMAR, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, JABALPUR

No. CGIT/LC/R/280/99

SHRI C.M. SINGH, Presiding officer :

Shri Suresh Kumar Chouksey,
S/o Misrilal Chouksey.

Village Kanakheda, Kalan Post,
Sanchi, Distt. Raisen-464661

... Workman

VERSUS

The Regional Manager,
Central Bank of India,
E-3/50, Area Colony, Bhopal-462001

... Management

AWARD

Passed on this 24th day of November-2005

1. The Government of India, Ministry of Labour *Vide* its Notification No. L-12012/215/97-IR(B-II) dated 12-8-99 has referred the following dispute for adjudication by this tribunal :—

"Whether the action of the management of Central Bank of India in terminating the services of Shri Suresh Kumar Chouksey, S/o Shri Misrilal Chouksey w.e.f. May 89 is legal and justified? If not, to what relief the said workman is entitled?"

2. After the reference order was received, it was duly registered on 17-8-99 and notices were issued to the parties file their respective statements of claim. The workman instead of filing his statement of claim moved an application with the prayer that the reference be dismissed as he has been permanently employed by the management on 12-4-99 and no dispute is left between him and the management.

3. In view of the above, it shall be just and proper to pass no dispute award in this reference.

4. As no dispute is left between the parties, no dispute award is passed with no order as to costs.

5. Copy of the award be sent to the Government of India, Ministry of Labour as per rules.

C. M. SINGH, Presiding Officer

नई दिल्ली, 3 जनवरी, 2006

का. आ. 352.— औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार पंजाब नेशनल बैंक के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, बंगलोर के पंचाट (संदर्भ संख्या 12/2001) को प्रकाशित करती है, जो केन्द्रीय सरकार को 3-01-2006 को प्राप्त हुआ था।

[सं० एल-12012/155/2000-आईआर (बी-II)]

अजय कुमार, डेस्क अधिकारी

New Delhi, the 3rd January, 2006

S.O. 352.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award Ref. 12/2001 of the Central Government Industrial Tribunal-cum-Labour Court, Bangalore as shown in the Annexure, in the industrial dispute between the management of Panjab National Bank, and their workmen, received by the Central Government on 3-01-2006.

[No. L-12012/155/2000-IR(B-II)]

AJAY KUMAR, Desk Officer

ANNEXURE
CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL-CUM-LABOUR COURT
BANGALORE

Dated : 22nd December, 2005

PRESENT

Shri A.R. SIDDIQUI

Presiding Officer

C.R. No.12/01

I PARTY

Shri Tikasa H. Miskin,
 C/o Shri Krishnamurthy,
 Padsalgi No. 30,
 State Bank Colony,
 1st Cross, Keshwapur,
 HUBLI-23

KARNATAKA STATE

II PARTY

The Regional Manager,
 Punjab National Bank,
 26-27, Raheja Towers,
 M.G. Road,
 BANGALORE-560001

AWARD

1. The Central Government by exercising the powers conferred by clause (d) of sub-section 2A of the Section 10 of the Industrial Disputes Act, 1947 has referred this dispute vide order. No. L-12012/155/2000/IR (B-II) dated 16th February 2001 for adjudication on the following schedule :

SCHEDULE

“Whether the action of the management of Punjab National Bank in dismissing Shri Tikasa Hanumanthasa Miskin from service vide order dated 20-5-1999 is legal and justified? If not, what relief the concerned workman is entitled to?”

2. The case of the first party workman, relevant for the purpose, as made out in the Claim Statement (pleadings with regard to Domestic enquiry omitted there being a separate finding on domestic issue) is that he was working with the management bank since 1967 and was promoted to the cadre of Clerk in 1981 and worked with the bank continuously having an unblemished record of service till he was terminated from the services; that during 1997 he availed Leave Travel Concession from 19-10-97 to 26-10-97 as per the service conditions applicable to his case with due permission from his authorities and took an advance amount of Rs. 8000/- from the bank for his Travel expenses; that he along with his family travelled from Belgaum to Bombay, Panjim and Mangalore and returned back to Belgaum. Thereafter, he submitted TA bill No. 16/97 dated 10-11-97 giving out the details of his journey and expenses of Rs. 7300/- incurred by him towards travelling expenses. He also gave a declaration along with original travelling tickets and receipts for having taken the journey; that to his shock and surprise he was served with a charge sheet dated 12-5-98 alleging that he submitted false/concocted/fabricated travelling tickets/ receipts without actually undertaking any journey and thereby committed gross misconduct in terms of para 19.5(j) of the Bipartite Settlement. He submitted reply to the charge sheet and the management not being satisfied

with his explanation held a DE against him and thereafter on the basis of the findings of the enquiry officer holding him guilty of the charges he was dismissed from service by order dated 6-5-1999. His appeal against the said order also came to be dismissed. He contended that even otherwise the punishment of dismissal imposed upon him is most disproportionate to the gravity of the charges and therefore, this Court has got powers under Section 11 A of the ID Act, to set aside the dismissal order therefore, he contended that findings of the enquiry officer as well as dismissal order made by the Disciplinary Authority were bad in law and in the result he is entitled to be reinstated in service with full backwages and continuity of service and other consequential benefits.

3. The management by its Counter Statement under the heading brief facts of the case urged the following contentions :—

“ Shri Miskin was appointed in the Bank on 16-1-1967 at BO. Hubli as Chowkidar on temporary basis and made permanent w.e.f. 1-2-73 as Peon cum-Chowkidar and he was confirmed in the services of the Bank w.e.f. 1-8-73. On his promotion to the Clerical Cadre in 1981, he was posted at Gadag branch. Subsequently, he was transferred to Belgaum branch where he was working from 26-6-90. As per Service conditions applicable to the workman staff, he applied for leave fare concession to be availed from 19-10-1997 to 26-10-1997 and took an advance of Rs. 8,000/- and submitted TA bill No. 16/97 dated 10-11-97 (Annexure-I) for Rs. 7,300/- towards availment of LTC for self, dependent mother, wife and four children for travel from Belgaum to Mumbai, Panjim, Mangalore along with the following bills in support of his claim. ”

Bill No.6838 dated 10-10-97 for Rs. 1,330/- of National Travels, Belgaum for journey from Belgaum to Mumbai (Annexure-II).

Credit memo dated 22-10-1997 bearing rubber stamp of A to Z Travels, Bombay for Rs.2,260/- for journey from Bombay to Panjim (Annexure-III)

Bill dated 23-10-97 for Rs. 1,330/- from Saudagar Tourist, Belgaum for journey between Goa and Mangalore (Annexure-IV)

Bill No.192 dated 25-1-97 from Saudagar Tourist, Belgaum for journey between Mangalore to Belgaum (Annexure-V)

Declaration dated 10-11-97 for incurring taxi/auto charges for Rs.720/ at Bombay and Belgaum respective (Annexure-VI)

To know the genuiness of the claim, a letter dated 3-1-1998 (Annexure-VII) was sent to M/s. A to Z Travels, Bombay by our Belgaum branch by registered post on 21-1-98 which was returned back with the remark “incomplete address”. Another letter dated 19-1-98 (Annexure-VIII) was sent by Belgaum branch to M/s. A to Z Travels

by registered post on 21-1-98 which was returned back with the remarks, 'not known'. Thereafter the matter was taken up with our KG Dadar Bombay branch to locate the said travel agency who have informed vide their letter dated 17-1-98 (Annexure-IX) that they could not find any travel company/travel agents operating at the address given in the bill submitted by Shri Miskin. National Travels, Belgaum had confirmed vide their letter dated 6-1-98 (Annexure-X) that thy ticket No.6838 submitted to the Bank by Shri Miskin was neither issued by them nor any other authorised person. Seat Nos 13 to 16 for journey on 19-10-97 to Bombay was issued to other persons and not for Shri Miskin or any of his family members. Further, M/s. Saudagar Tourist, Belgaum, confirmed vide their letter dated 7-1-98 (Annexure-XI) that they are not running buses from Mangalore to Belgaum and Belgaum to Mangalore and ticket No.75 dated 23-10-97 and No.192 dated 25-10-97 were not issued by them the signatures also were not of any of their employees. These tickets are bogus.

On the basis of the above information, a charge sheet dated 12-5-98 (Annexure-XII) was served on Shri Miskin for his alleged act of submitting a false/fake LTC TA Bill and false declaration certifying that he had undertaken/completed the journey as per the TA bill and thereby attempting to defraud the bank. A departmental enquiry was conducted as per provisions of the Bipartite Settlement. Copies of documents were provided and he was allowed assistance by Shri D.C. Devadas as per his request. On the basis of the evidence adduced in the enquiry, the enquiry officer had come to a conclusion that Shri Miskin had not undertaken the journey as claimed in his LTC/TA bill. The EO had therefore, held that the charges levelled against Shri Miskin vide charge sheet dated 12-5-98 were proved conclusively in the enquiry. The Disciplinary Authority after going through the documents/evidence produced in the enquiry, the proceedings and other records of the enquiry had agreed with the findings of the enquiry officer and had found that the CSE had committed fraudulent act of submitting the LTC claim without actually undertaking the journey and had submitted concocted/fabricated bills in support of his claim. Enquiry Report is enclosed as Annexure-XII).

The Disciplinary Authority had therefore held Shri Miskin of having committed Gross Misconduct in terms of clause 19.5(j) of the Bipartite Settlement as amended and had proposed the punishment of "Dismissal without notice" vide show cause notice dated 6-5-99 (Annexure-XIV) and he was offered a personal hearing alongwith his defence representative before the Disciplinary Authority in connection with the proposed punishment. During the personal hearing the employee had made oral submissions admitting the charges and

had requested for a lenient view as he was facing some financial constraints. On careful consideration of the submission made by Shri Miskin during the personal hearing the DA had found no reason to reduce the proposed punishment since it was a case of attempted fraud by submitting false LTC bill without undertaking the journey and by submitting false bills/tickets and had confirmed the proposed punishment vide order dated 20-5-1999 (Annexure-XV).

Shri Miskin had filed an appeal before the Appellate Authority, which was rejected vide order dated 23-7-1999 (Annexure-XVI) of the Appellate Authority in his order that in a financial/credit institution like banking, the basic qualities required in an employee were integrity, honesty and trustworthiness, which has been found lacking in Shri Miskin. In view of the aforesaid, it is submitted that the action of the Bank in having inflicted punishment of dismissal from services upon Shri Miskin is in accordance with the provision of the Bipartite Settlement and after duly conducted departmental enquiry. Further, it is the submission of the Bank that the departmental enquiry conducted against Shri Miskin is fair and proper for any reason whatsoever, in that eventuality the bank would like to lead evidence before this Hon'ble Tribunal to establish the allegations made against Shri Miskin vide Charge Sheet dated 12-5-98.

4. Keeping in view the respective contentions of the parties with regard to the fairness and validity or otherwise of the enquiry proceedings, this tribunal took up the above said question as a preliminary issue and allowed the parties to lead evidence. The management examined the enquiry officer as MW1 and got certain documents marked including the proceedings of enquiry and the enquiry report at Ex. M1 to M 4. There was no evidence led on behalf of the first party. My learned predecessor by his order dated 23-9-02 recorded a finding to the effect that DE is not fair and proper. There upon the matter came to be posted for further evidence of the management on merits of the case i.e. to prove the charges of misconduct levelled against the first party. The management thereupon examined the then Branch Manager of Belgaum Branch as MW 2 and in his statement got marked 8 documents at Ex. M5 to M 12. His statement in examination chief as well as in cross examination reads as under :

During the year 1994-98, I was working as Branch Manager of Belgaum Branch. During the above said period first party was working as a Clark in the said branch. He had availed Leave Travel Concession (LTC) in the year 1997 and after the availment of leave he submitted TA bill now shown to me. I have verified the TA bill and it bears the signature as a verifying authority at Ex. M5. He submitted 4 private bus fare tickets in support of his bill now marked as Ex. M6 series.

Since I entrained no doubt in the claim of the first party and since I was not the sanctioning authority. I forwarded the bill to the Regional Office. I now see my letter at Ex. M7 addressed by me to A to Z Travels, Agency at Bombay to confirm about the journey made by the first party through its agency and ticket issued by it for the said journey. It was sent by me by registered post with acknowledgement due and it was returned back without any service with report no such address. Then I wrote another letter 19-1-1998 to the said agency by RPAD. It was also returned back unserved with the endorsement address not known. The letter is marked as Ex. M8. Then I sent a letter to our Dadar Branch at Bombay with the particulars of journey and the ticket which were furnished by the first party so as to ascertain and verify the genuineness of the claim made by the first party. I now see the reply given by him said Dadar Branch at Ex.M9 stating that there was no agency by name A to Z travels existing at the address given by the first party. The first party had undertaken journey as per his claim through the said agency from Mumbai to Panji which ticket is at Ex.M6 (a). As per the ticket at Ex. M6(b) he travelled from Belgaum to Bombay through National Travels. We wrote letter to this travels also and the reply given by it is at Ex.M10, mentioning that first party and his family members have not travelled on those tickets but some other passengers names therein have travelled.

The other tickets (20 at Ex.M6(C) and M6(d) are in respect of agency called Soudagar Tourist Belgaum. I wrote a letter at Ex. M11 to the said agency to ascertain the fact that their reply is at Ex.M12, was in the negative. There upon I wrote a letter to the Regional Office about the details of the correspondence made by me with different agencies in respect of the claim of the first party.

Cross Examination

I have just forwarded the LTC claim of the first party to the higher up. I had no doubts of his claim at that moment. There were no written instructions by my higher officer to get the claim of the first party verified through the different agencies vide Ex.M7 to M10, but I had oral instructions of such.

It is not true to say that I had no such oral instructions. I have not visited personally the places to ascertain the existence of those agencies. I did not give any complaint to the higher officer suspecting the claim of the first party before the said verification.

I have not given my statement during the enquiry. It is true to suggest that claim of the first party was based on genuine bills and that I am giving false evidence.

5. No oral and documentary evidence were produced by the first party on the question of merits. Learned counsels for both the parties have submitted their written arguments and hence the case is posted for award.

6. Learned counsel for the management argued that fake and fabricated tickets to claim the leave travel concession at Ex.M6 series were submitted by the first part and suspecting the foul play, the then manager to whom final TA bill was submitted by the first party under the oral instructions of his higher ups made correspondence with all three travel agencies and found out that the first party never travelled or undertook

journey through those travel agencies and there upon a charge sheet was issued against the first party for defrauding the management bank resulting into his dismissal from service. Learned counsel submitted that statement of MW2 in his examination chief would substantiate the case of the management and nothing worth was elicited from his mouth in his cross-examination so as to take away the evidentiary value of his statement and the documents marked through him. Learned counsel submitted that the statement of MW 2 in his cross-examination to say that he had no doubts of the claim of the first party when TA bill was submitted and that there were no written instructions from his higher officers to get the claim of the first party verified and that he did not give any complaint to the higher officers suspecting the claim of the first party does not help the case of the first party to suggest that the verification of the claim of the first party done by him was without any authority or without any base. Learned counsel submitted that as against the statement of MW1 there is absolutely no evidence produced by the first party much less stepping himself into the witness box to testify his claim of undertaking the journey or to challenge the genuineness of the correspondence made between MW 1 and the 3 Travel Agencies. He submitted that if at all the first party had undertaken journey as per the tickets at Ex. M6(a) series, he must have stayed at the places he visited and it was not very difficult for him to have produced some evidence with regard to his stay at the places of journey. It was also necessary for the first party at least to bring before this tribunal one of the representatives of the aforesaid three agencies to speak to the fact that he did travel through the agency which issued him the tickets for the purpose of journey. Learned counsel also submitted that the travel agency A to Z in fact had no existence as could be read from the letter at Ex.M9 issued by the Dadar Branch of the management bank received by MW2 in response to his letter sent to the Dadar Branch at Bombay to ascertain whether above said A to Z travel agency was in existence as the two earlier letters sent by him to the address available on the ticket said to be issued by A to Z travels under RPAD returned unserved with an endorsement 'address not known'. Learned counsel submitted that the tickets at Ex. M6(B) said to have been issued by National Travel Agency first of all did not disclose as to where the first party and family members destined from Belgaum and the tickets at Ex. M6(C&D) are not at all genuine for the simple reason that as per TA bill the first party travelled from Goa to Mangalore on 23-10-97 and from Mangalore to Belgaum on 25-10-97 and whereas these are the tickets alleged to have been issued at Belgaum office. Therefore, learned counsel submitted that the claim for leave travel concession facility made by the first party was false and fraudulent attempt by him causing financial loss to the management bank. He submitted that keeping in view the gravity of the misconduct, punishment of dismissal will be quite proportionate and justified as the management has lost confidence in the first party.

7. Whereas, learned counsel for the first party in his written argument very much took support of the statement of MW 2 on the ground that MW2 not being sanctioning authority had no powers to enquire into the truthfulness of the claim of the first party, particularly,

when he had no doubts in his mind about the claim of the first party when TA bill was submitted to him and he forwarded the same to the higher authority. He also contended that MW 2 had no written instructions from his higher ups to enquire in this matter and also he did not give any complaint to the appropriate authority nor he was the witness examined during the course of enquiry.

8. After having gone through the records, I do not find much substance in the arguments advanced for the first party. First of all as argued for the management, statement of MW 2 on the important particulars of the case has remained to be shaken in his cross-examination. No single suggestion was made to MW 2 disputing the fact that he made correspondence with the aforesaid three travel agencies sending the letters at Ex. M7, M8 and the fact that he received the letters from two agencies namely, National Travels and Soudagar Tourist Travels reporting the fact that the first party and his family members did not travel through their agencies on the respective dates. There was no suggestion also made disputing the fact that the management issued letters twice at the address of A to Z travels under the registered post and they were returned unserved with an endorsement 'address not known'. Therefore, the fact that MW 2 sent two letters at Ex. M7 and M8 to the address of the said agency and they were returned unserved for want of address remains undenied and undisputed. It is again not disputed that the Dadar branch of the management bank at Bombay in response to the letter of MW 2 at Ex. M9 stating that there was no agency by name A to Z travels existing at the address given by the party. There is again no denial of the fact, rather, the statement of MW2 that he wrote a letter to the agency called national Travels and received reply from it at Ex. M10 mentioning that first party and his family members have not traveled on the tickets at Ex. M6(b) and on that ticket some other passengers named in the said letter had travelled on the date mentioned in the ticket. The statement of MW 2 that he wrote a letter at Ex. M11 to the aforesaid Soudagar Tourist, Belgaum with respect to the tickets at Ex. M6 (C&D) and got a reply to the effect that the first party and his family members did not travel through the said agency again was never disputed in his cross examination. That apart as noted above, the first party for the reasons best known to him, neither, entered into the witness box to justify his claim nor to dispute or challenge the testimony of MW 2 in his statement or the various documents marked in his statement with regard to the enquiry he did with the aforesaid three agencies to ascertain the claim of the first party. He also took no pains at least to examine one of the representatives of the said 3 agencies or to produce any documentary evidence of his stay at Bombay, Panjim, Goa or Mangalore, to which places he visited as per the tickets produced. Therefore, we have absolutely no statement on oath by the first as against the statement of oath by MW2. In the result there cannot be any reason for this tribunal not to believe the testimony of MW 2 and not to act upon the fact of correspondence made by him to the aforesaid three travel agencies as per the documents marked during his deposition. If we proceed on the assumption that MW 2 has spoken to the truth of facts then the only inference to be drawn would be that the claim put forth by the first party was not based on truth. As argued for the

management, the four tickets at Ex. M6(a) series produced by the first party also cannot be taken to be the tickets issued by the above said three agencies for the reason that the above said A to Z travel agency never existed. The ticket at Ex. M6(b) as noted above, appears to have been issued at Belgaum office but there is no place of destination mentioned therein. The two tickets at Ex. M6 (C&D) are to be discarded for the simple reason that they are again said to have been issued at the Belgaum office of Soudagar Tourist agency but as per those tickets the journey undertaken by the first party was from Goa to Mangalore and Mangalore to Belgaum. It is yet to be explained by the first party as to how these tickets could have been issued by the Belgaum office when he travelled on those tickets from Goa and Mangalore. Therefore, tickets submitted by the first party as argued for the management are fake and fabricated tickets in order to make unlawful gain by defrauding the management bank. The arguments for the first party that when TA bill was submitted to MW 2 he had no doubts in his mind about the claim of the first party and that thereafter he had no written instructions from the higher officer to ascertain the claim and that he did not give any complaint to the higher officer as argued for the management have absolutely no substance. It cannot be said that MW 2 had no authority to enquire into the correctness of the claim of the first party on his own even subsequent to his forwarding the TA bill of the first party to the higher authorities. In fact MW 2 has stated that he enquired into the claim of the first party through the aforesaid 3 agencies under the oral instructions of the higher ups and therefore, it cannot be said that he has no authority or powers to make enquiry into the claim of the first party. There is also no merit in the arguments that MW 2 did not make complaint in the matter to the higher authority. In his examination chief MW 2 in very clear words stated that after having made correspondence with the said travel agencies, he wrote a letter to the Regional Office against the details of the correspondence made by him in respect of the claim of the first party. Therefore, in the light of the above, this court has no hesitation in its mind to come to the conclusion that charges of misconduct levelled against the first party as per the aforesaid charge sheet have been proved very much and beyond doubt in the statement of MW 2 and the documents marked in his deposition.

9. Now coming to the question of punishment, it is not in dispute that the first party has been in the service of the management bank right from the year 1967 uptill 6-5-1999 when he was dismissed from service. It is also not in dispute that there was no misconduct committed by the first party earlier to the charge sheet on hand and that his service record was unblemished throughout the period of his service of about 30 years. Therefore, under the facts and circumstances of the case, it appears to me that a punishment by way of terminating the services of the first party w.e.f. the date of dismissal order would be the proper and appropriate punishment. Hence the following award.

AWARD

Services of the first party hereby stand terminated w.e.f. 6-5-99. No order to cost.

(Dictated to PA transcribed by her corrected and signed by me on 22nd December, 2005)

A. R. SIDDIQUI, Presiding Officer

नई दिल्ली, 3 जनवरी, 2006

का. आ. 353.— औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार केनरा बैंक के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, बेंगलूर के पंचाट (संदर्भ संख्या 9/2000) को प्रकाशित करती है, जो केन्द्रीय सरकार को 3-1-2006 को प्राप्त हुआ था।

[सं० एल-12012/268/1999-आई.आर. (बी-II)]

अजय कुमार, डेस्क अधिकारी

New Delhi, the 3rd January, 2006

S.O. 353.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 9/2000) of the Central Government Industrial Tribunal-cum-Labour Court, Bangalore as shown in the Annexure, in the industrial dispute between the Management of The General Manager, Personnel Wing, Canara Bank and their workmen, received by the Central Government on 3-1-2006.

[No. L-12012/268/1999-IR(B-II)]

AJAY KUMAR, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, BANGALORE

Dated : 15th December, 2005

PRESENT : Shri A.R. SIDDIQUI, Presiding Officer

C.R. No. 9/2000

I PARTY

Smt. K. Aswath.
W/o B.V. Aswathnarayana,
No. 52, Surya Rashmi,
1st Model House Steel,
Basavangudi,
Bangalore-560004

II PARTY

The General Manager,
Personnel Wing,
Canara Bank,
No. 112, J.C. Road,
Bangalore-560002

AWARD

1. The Central Government by exercising the power conferred by clause (d) of Sub-section 2A of the Section 10 of the Industrial Disputes Act, 1947 has referred this dispute vide Order No. L-12012/268/99/IR (B-II) dated 2nd February, 2000 for adjudication on the following schedule :

SCHEDULE

"Whether the dismissal of Smt. Kamala Aswath former Special Assistant w.e.f. 19-6-1990 by the Management of Canara Bank is justified? If not, what relief the workman is entitled to?"

2. The case of the first party work woman (Pleadings with regard to the fairness and validity of the enquiry

proceedings omitted as separate finding has been given on the said issue) in brief is that she joined the services of the Canara Bank on 28-10-1971 as a Typist/filing clerk in the staff section, Eastern Zone, J.C. Road, Bangalore. In the year 1975 the first party was promoted as a clerk. In the month of November 1983, she was promoted as Special Assistant, which post she continued to hold until she was wrongfully dismissed by the Bank on 19-6-1990. Right through, the first party discharged her duties and responsibilities sincerely, honestly and diligently without giving room for any commission or omission; that the first party was surprised to receive a letter dated 19-7-1986, wherein it was stated that she had been placed under suspension pending enquiry. After lapse of almost two years, she was issued with a chargesheet dated 28-11-1986. She was asked to submit her reply to the charges levelled against her. She orally sought for extension of time to submit her reply to the charges levelled against her. But for the reasons best known to the management, the said request for extension of time to submit her reply was rejected. In the meantime, Shri P.R. Upadhyaya, Senior Manager of the Canara Bank was appointed as the Enquiry Officer to enquire into charges levelled against her; that enquiry officer by enclosing the copy of his enquiry report proposed the punishment of dismissal from services of the bank and called upon her for personal hearing to be held on 22-2-1990. The first party once again submitted before the Enquiry Officer that she was not guilty of the charges leveled against her and that charges have not been proved in the enquiry. She also submitted that punishment of dismissal was shockingly disproportionate to the gravity of the misconduct alleged against her. However, the Enquiry Officer confirmed the dismissal order and submitted a report to the Disciplinary Authority which in turn dismissed her from service by order dated 9-7-1990 to take effect from 19-6-1990. She filed an appeal and that was also dismissed by order dated 21-3-1991; that she became panicky and rushed to the Divisional Manager, South Circle of the Management Bank and on his advise to deposit atleast half of the forged amount for the chance of reinstatement, she sold away whatever jewels she had and arranged for the sum of Rs. 80,000/- and obtained a demand draft from Silver Jubily Park Road branch for the said amount. Then she again approached the Divisional Manager to fulfill his promise of reinstatement by depositing Rs. 80,000/- but he expressed his inability to reinstate her even on deposit of Rs. 80,000/-. Then she went to the said Silver Jubily Park Road branch to get the DD cancelled and to receive back the amount. The Manager of the said branch received Demand Draft and obtained receipt from the first party for having paid Rs. 80,000/- without making actual payment. Therefore, she went to the Kalasipalyam Police Station to make a complaint and the police called the Manager and questioned about the non-payment of the amount to the first party to which he admitted the fact of non-payment. That there upon the first party approached the High Court in Writ Petition No. 15439/91 but that came to be dismissed on the ground that she had an alternative remedy of raising the Industrial Dispute. She then questioned the Order in Writ Petition by way of WA No. 610/98 and later withdrawn the same with liberty to raise an Industrial Dispute. Her

request was allowed on 15-6-99 by the Divisional Bench of the High Court and thereafter she raised the regular dispute and since conciliation resulted into failure report, the present reference have been made to this tribunal; that the findings of the enquiry are false, baseless and perverse not supported by reasons or logical conclusions. The Enquiry Officer has entered into all kinds of guesswork while discarding available evidence placed before him. Therefore, the enquiry findings suffered from many infirmities, illegalities and procedural irregularities and further the act of the Enquiry Officer in recommending rather proposing the punishment of dismissal by himself was beyond his jurisdiction as he usurped the functions of the Disciplinary Authority. He had no right whatsoever to hold the personal hearing with respect to the findings given by him usurping the functions of the disciplinary authority. The disciplinary Authority also did not apply his mind independently to reach the conclusions that the charges against the first party have been proved. He mechanically concurred with the findings and the recommendations of the Enquiry Officer in dismissing her from the services of the bank. Without taking into consideration the mitigating and extenuating factors in favour of the first party much less her unblemished 19 years of service with the bank. Similarly, the Appellate Authority illegally confirmed the dismissal order; that the punishment of dismissal is highly excessive, harsh and shockingly disproportionate to the gravity of the misconduct and therefore, this court has got powers to invoke the provisions of Section 11 A of the ID Act doing justice in the matter setting aside the dismissal and reinstating her in service with full back wages, continuity of service and other consequential benefits.

3. The management by its counter statement while denying the various contentions taken by the first party in her Claim Statement inter alia contended that the first party at the relevant points of time i.e. in between 18-8-84 and 10-7-86 was working as a Special Assistant at Shanthinagar Branch of the Management and during the aforesaid period she committed certain acts of gross misconduct followed by suspension order dated 17-6-1986 and a chargesheet dated 28-11-1988. Giving out the details of allegation made in the chargesheet the management contended that after the conclusion of the enquiry, the enquiry officer taking into consideration the facts and documents produced has rendered the findings dated 5-3-90 holding the workman guilty of the charges. Before submission of the enquiry report he held personal hearing regarding the proposed punishment of dismissal and not being satisfied by the explanation offered by the first party, he confirmed the punishment and submitted report to the disciplinary authority which upheld the punishment of dismissal proposed by the Enquiry Officer. She then approached the Hon'ble High Court in the aforesaid Writ Petition and Writ Appeal and after having withdrawn the appeal by memo dated 15-6-99 she raised the present dispute. Therefore, the delay for the period from 1990 to 1999 for non-prosecution of the case before the proper forum can be solely attributed to her. The management further contended that the findings of the enquiry officer are based on sufficient and legal evidence not suffering

from any perversity. The management, then, denied the allegations of first party that she obtained DD of Rs. 80,000 on the assurance given by the Divisional Manager and that since she wanted to get it cancelled, the Manager of the concerned bank refused to make payment after receiving the DD from the first party. The Management further contended that there was no wrong committed by the Enquiry Officer in proposing the punishment and then giving Personal hearing to the first party as clause 19, 12 of the Bipartite Settlement is silent as to who must give the hearing on the proposed punishment. Moreover, the Canara Bank Service Code under Chapter XI makes it clear that Enquiry Officer is empowered to give hearing on the proposed punishment. The management also contended that keeping in view the gravity of the misconduct committed by the first party, punishment of dismissal was quite proportionate and commensurate to the gravity of the misconduct. Therefore, the reference by the first party is liable to be rejected.

4. keeping in view the respective contentions of the parties, with regard to the fairness and validity or otherwise of the enquiry proceedings, this tribunal took up the said question in the first instance. During the course of trial on the aforesaid question, the management examined Enquiry Officer as MW1 and got marked in all 15 documents at Ex. M1 to M15. The first party also filed her affidavit by way of Examined-in-Chief.

5. After hearing the learned counsels for the respective parties, this tribunal by its order dated 11-2-05 recorded a finding to the effect that enquiry held against the first party is fair and proper. Thereupon the matter came to be posted to hear learned counsels of the respective parties on the point of perversity of the findings and quantum of the punishment. Learned Counsel for the first party filed his written arguments. Whereas, learned counsel for the second party advanced his oral arguments and cited number of decisions on the points that reference was bad, the dispute being raised after inordinate day and on the point that when misconduct has been proved particularly, in the cases of bank matters alleging misappropriation of the funds of the bank and on the ground of forgery, punishment of dismissal is very much proportionate not to be interfered at the hands of this tribunal exercising its discretion under Section 11 A of the ID Act. Learned counsel in his written argument once again has urged the contentions at paras 1 to 7 attacking the enquiry proceedings on the ground that they were conducted in violation of principles of natural justice. The only relevant contentions taken in the written arguments as far as perversity or otherwise of the enquiry findings by the first party are that the Enquiry Officer has recorded the evidence of 14 management witnesses to suit the case of the management despite her co-worker objecting number of times. He did not give proper opportunity to the first party to put forth her defence. He did not record many favourable answers given by management witnesses in course of their cross-examination; that the findings of the enquiry are false, baseless and perverse not supported by cogent reasons or logical conclusions; that he considered only the evidence of management witness and its documents without considering the objections of the first

party and therefore, his findings are one sided and biased. At Para 12, of the written argument, it was contended that the punishment of dismissal imposed on the first party is harsh, excessive and shockingly disproportionate to the gravity of the misconduct resulting into improper and non application of mind by the disciplinary authority.

6. Whereas, learned counsel for Second Party taking support of the aforesaid decisions argued that the findings of the enquiry officer are well based on sufficient, legal and convincing oral and voluminous documentary evidence and the reasonings assigned by the enquiry officer are well supported by evidence brought on record and that the punishment awarded was proportionate and commensurate to the gravity of the misconduct committed by the first party.

7. After having gone through the records more particularly, the enquiry findings, I find substance in the arguments advanced for the management. Before adverting upon the merits of the case let me bring on record the very charge sheet issued to the first party.

Charge Sheet

“At our Shanthinagar, Bangalore branch, an SB account No. 9488 was opened in the name of Mr. Peter D' Cruz on 27-6-1981. Mr. Peter D' Cruz died on 19-1-83. There was a balance of Rs.62,460.42 in the account as on 7-12-1985 after crediting the half yearly interest. The amount was withdrawn in the account leaving a balance of Rs. 60.40 within 20 days between 14-3-86 to 4-4-86 against 6 cheques collected by Vysya Bank Ltd., Jayanagar III Block Bangalore branch, for the Credit of joint SB account No. 7501 of Nirmala and P.D. Cruz drawn on Canara Bank, Shanthinagar, Bangalore branch, as follows:—

SB Account	Cheque No.	Date	Amount
9488	SCBP 8733273	9-3-86	10,000
9488	SCBP 8733278	17-3-86	14,000
9488	SCBP 8733279	18-3-86	14,000
9488	SCBP 8733280	20-3-86	10,000
9488	SCBP 8733276	25-3-86	12,000
9488	SCBP 3736021	1-4-86	2,400

The above cheques were out of the cheque books 8733271—8733280 and 3736021—3736030.

You had fraudulently obtained the above cheque books on 7-3-86 and 3-4-86 with an intention to make use of above six cheque leaves, for withdrawing Rs. 62,400. You were the supervisor in SB department on 3-4-86 and were incharge of the custody of cheque books.

You were the SB supervisor on 4-4-86 on which date the cheque No. 3736021 dated 1-4-86 for Rs. 24.00 drawn on SB 9488 was presented in clearing by Vysya Bank Ltd, Jayanagar, Bangalore and you had passed the above cheque and made it to appear as if the same was passed by Shri Shivaram. Shri Shivaram was on leave on that day.

You had opened an SB account No. 7501 in the fictitious name of Nirmala at Vysya Bank Ltd, Jayanagar, Bangalore branch on 3-3-86 and on 12-3-86 converted the account into joint account by adding the name of 'PD' Cruz operation severally. You had deposited the six cheques purportedly signed by PD Cruz, the SB account holder No. 9488 of Canara Bank, Shanthinagar, Bangalore branch, as detailed above at Vysya Bank Ltd., Jayanagar, Bangalore branch into the SB account 7501 in the joint names of Nirmala and PD' Cruz and obtained the proceeds amounting to Rs.62,400 on various dates as shown below :—

SB Account No. At Vysya Bank Jayanagar, Bangalore	Cheque No.	Date	Amount Rs.
7501	014782	17-3-86	10,000
7501	014784	20-3-86	28,000
7501	014785	27-3-86	10,000
7501	014783	2-4-86	12,000
7501	014786	7-4-86	2,400

In order to perpetrate the fraud, you had on 7-3-86, fraudulently removed ledger sheet 916875 and made use of the same for SB 9488 of late Shri P.D' Cruz. You were in charge of checking SB interest for the half year ended December 1985. The entry made in the ledger sheet 916875 is shown as December 7 by int. As the ledger sheet was taken out for use only on 7-3-86, we have reasons to believe that you only carried over the incomplete details of SB 9488 and also made entries to appear as if the same was made on 7-12-85. You have also cleverly forged the initials on the ledger sheet.

By your above acts, you have fraudulently obtained possession of cheque books from the branch and dishonestly utilized the same for withdrawing Rs.62,400, from the SB account of late Shri P.D' Cruz. To cover up your acts you have also cleverly forged the initials of other Supervisors.

By your above acts, you have committed gross misconduct as per Chapter XI Regulation 3 (J) of Canara Bank Service Code.

Your above acts being prejudicial to the interests of the bank, you have also committed gross misconduct as per Chapter XI Regulation 3 (m) of Canara Bank Service Code.

Charge-II

You were working as Supervisor of SB department on 3rd, 4th and 5th April 1986. While working as Supervisor of SB department on 5-4-86, you had passed a cash cheque bearing No. 3735082 dated 1-4-86 for Rs. 4700 payable to 'Self' in the SB account 10112 of Shri K. G. Jagadeeswaran. The following aspects had been overlooked by you :—

1. The cheque leaf was not from the cheque book issued to the account holder as no cheque book had been issued to the party;

2. Though the account had been inoperative as the last transaction was on 1-7-1982, you passed the cheque for payment instead of referring it to the Manager;
3. The signature on the cheque did not tally with the specimen signature lodged with the bank.

The above facts show that you had acted negligently while passing the above cheque for payment.

Further, the investigation into this withdrawals reveals that :—

1. The cheque book bearing Sl. No. 3735081—90 was purported to have been issued to account 10232 whereas the account number written on the cheque leaf is clearly shown as 10132;
2. The cheque was presented for payment and the cheque was posted by Smt. Jayalakshmi Yathiraj on 3-4-86 itself. However, you had cancelled the above entries in the ledger and had put correct balance.
3. The cheque was posted on 5-4-86 by Smt. Jayalakshmi Yathiraj;
4. You were the only Supervisor of SB department on 5-4-1986 ;
5. Later it was found that the specimen signature card was missing from the branch custody;
6. It was observed that the initials in the ledger sheet of SB 10132 for having checked the debit entry of 5-4-86 had been disfigured.
7. You had issued the token No. 61 on 3-4-86 though it was not your normal function. Once again on 5-4-86, you had collected the token No.52 from Smt. Jayalakshmi Yathiraj, Ledger Clerk;
8. You had reportedly handed over the cheque No. 3735082 for Rs.4700 to Smt. Jayalakshmi Yathiraj on 3-4-86 as well as 5-4-86 to post the same in the ledger ;

All these above circumstances lead us to believe that you had fraudulently withdrawn the amount of Rs.4700 from the SB account 10132 of Shri K.G. Jagadeeswaran.

By your above acts, you have committed gross misconduct as per Chapter XI Regulation 3 clauses (i) & (j) of Canara Bank Service Code.

All your above acts being prejudicial to the interests of the bank. You have also committed gross misconduct as per Chapter XI Regulation 3(m) of Canara Bank Service Code.

8. It is to be noted that the management in order to prove the charges of misconduct leveled against the first party in all examined 14 witnesses as MW 1 to MW 14 and got marked as many as 96 documents at ExM1 to M96. The learned Enquiry Officer in his findings referred to the aforesaid oral and documentary evidence, discussed and

appreciated the evidence pressed into service by the management and so also had considered the various objections and defence taken by the first party by her defence representative before arriving at a conclusion as to whether the charges of misconduct leveled against the first party have been proved or not. The learned enquiry officer, as far as, charge leveled against the first party discussed the evidence on pages 16 to 18 and under the heading 'conclusion' assigned the reasonings in relying upon the oral and documentary evidence produced by the management to establish the above said charge. In order to appreciate the respective contentions raised by the parties, it appears to me worth while to bring on record the very reasonings given by the enquiry officer under the heading 'Conclusion' on page 18 to 21 running as under:—

Conclusion

It is clear from the deposition of MW12 (Sri Rudraprasad) that the SB account 7501 opened at Vysya Bank, Jayanagar, Bangalore branch in the name of Smt. Nirmala, which was later converted into a joint account by adding the name of Peter D' Cruz was a fictitious account. It is also clear from his deposition that the charge sheeted employee in the name of Smt. Nirmala used to come to Jayanagar branch of Vysya Bank where he is working, for depositing cheques and withdrawals in SB account No. 7501 would be considered as true course of events, which he has seen and perused. He has also, without any ambiguity whatsoever, identified Smt. Kamala Aswath as Nirmala, holder of SB 7501 at their branch when he came to Shantinagar branch of Canara Bank, as stated by the IO(MW1) in his reports dated 19-7-1986 and 13-5-1987. Further MW12 also identified Smt. Kamala Aswath as Nirmala in the Canara Bank office where he was called for to cap it all for a specific question put by me. MW12 clearly identified Smt. Kamala Aswath, the charge sheeted employee as Nirmala who opened SB account on 3-3-86

Shri B.P. Lingacher (MW13) who has introduced the SB account of Smt. Nirmala at Vysya Bank, Jayanagar also in unambiguous terms, identified Smt. Kamala Aswath as Nirmala whose account he had introduced. He narrated the circumstances under which the account was introduced and also the circumstances under which he identified the above employee at our Shantinagar branch. During the course of enquiry also MW13, after having look at the charge sheeted employee confirmed that it was she who approached him for introduction at Vysya Bank.

The depositions of M/s. Rudraprasad, MW12 and B.P. Lingacher, MW13, establish beyond doubt that it was Smt. Kamala Aswath the charge sheeted employee who opened SB account 7501 on 3-3-86 in the name of Smt. Nirmala and later converted the account into a joint account by adding the name of Peter D' Cruz in whose account the fraudulent transactions took place. The DR failed to disprove this and I am convinced that the charge sheeted employee opened a fictitious SB account bearing No. 7501 in the name of Nirmala at the Vysya Bank, Jayanagar Bangalore branch and later converted into Joint Account.

The fact that Smt. Kamala Aswath purchased a DD in favour of Canara Bank after the incidence of fraudulent

withdrawal from the SB account of PD Cruz goes to show that the charge sheeted employee had the intention of reimbursing the fraudulent amount withdrawn. Otherwise, what was the necessity to purchase a DD withdrawn. Otherwise, what was the necessity to purchase a DD for Rs. 80,000 favouring Canara Bank by the charge sheeted employee? In the absence of convincing explanation to the contrary, I have to reasonably conclude that the charge sheeted employee wanted to reimburse the amount fraudulently withdrawn and this itself is sufficient to prove her guilt. Further, it is in the evidence of Shri B.N. Mallya MW8 who was in charge of the branch as Senior Manager of Shantinagar branch that Smt. Kamala Aswath admitted having committed the frauds in the branch before the SI of Police, Ashoknagar, Bangalore with whom the bank has lodged complaint. It is also in the evidence of this witness that according to SI of Police Ashoknagar Police Station, the charge sheeted employee was called on him saying that she was willing to pay a part of the amount (amount of fraud) if the bank was ready to take her back into employment (she was under suspension at that time).

It is in this context, the remittance of Rs. 80,000 by the charge sheeted employee for purchasing a DD in favour of the bank should be seen as tacit admission on her part in respect of the fraudulent withdrawals at Shantinagar branch. The DR has not brought any evidence whatsoever to show that remittance was towards any other account. The very fact that an employee of the bank, facing serious investigation, purchased a DD in favour of the bank for a huge amount of Rs. 80,000 throws enough light on the intentions of the charge sheeted employee which is very clear.

Shri H.N. Rudraprasad, MW12 and B.P. Lingachar, MW13 are two independent outside witnesses and their depositions should be viewed as most credible and without any element of bias, especially in the light of the fact that no ill relationship/animosity between them and the charge sheeted employee was established. Their depositions have been corroborated by the depositions of various other management witnesses like MW1 and MW8.

Their depositions clearly show that they have narrated what has been and heard by them on various occasions.

Being the Supervisor in charge of SB department and having regard to the fact that she was entrusted with the duties of interest calculation/checking in the department, she had complete knowledge of SB accounts. In this particular case, she was aware that the account was not being operated due to the death of the account holder and also it was showing fat balance. Being the supervisor in charge, with the custody of the cheque books, the charge sheeted employee had complete access to them. As a supervisor in SB department on 3-4-1986, it was only the charge sheeted employee who obtained the cheque book herself, by fraudulent means, with an intention to make use of the cheques for withdrawals in the account.

Similarly on 7-3-1986 also, it was only the charge sheeted employee who removed the cheque book and

obtained the same for herself by fraudulent means. Thus the charge sheeted employee has misused her official position in the bank by taking possession of the cheque books unauthorisedly for an account belonging to a deceased customer. The very fact that the charge sheeted employee deposited 6 cheques amounting to Rs. 62,400 for the credit of her fictitious account at Vysya Bank Jayanagar branch establishes beyond any doubt that she took possession of the two cheque books fraudulently. Having taken possession of the cheque books fraudulently, to enable her to encash the cheques through Vysya Bank Ltd., Jayanagar branch, she had to resort to all fraudulent acts, i.e. opening fictitious account at Vysya Bank, Jayanagar branch, converting the account into joint account, adding the name of Shri P.D. Cruz fraudulently removing the ledger sheet 916875 (Ex. M5) and forging the initials of the supervisor. As a part of her strategy to commit the fraud, the CSE replaced the original running ledger folio in the account with a new one and cleverly carried over only the incomplete details of the account in such a manner that the fact of such a replacement of the ledger folio, the fact that a claim was pending in the court in this case and the death of the depositor was not easily noticeable. The fact that the ledger folio 916875 was taken out only on 7-3-1996, fraudulently and the entries were made therein to appear as if made on 7-12-1985 have been clearly established from Ex. M5 and M30. Further as if to show that the initial entries in Ex. M5 have been supervised by Shri Shivaram, Spl. Asstt. of the branch, the CSE has cleverly forged his initials, Shri Mahendra Kumar, MW11, another Spl. Assistant of the branch, in his deposition, clearly deposed that the initials for the first entry appearing on Ex. M5 is that of the CSE only, on the basis of the fact that the interest on SB account for the relevant period has been checked by the CSE. This and the deposition of MW9 Shri C.N. Mallikarjuna that the interest application entry in the ledger have been made by him except in the ledger folio Ex. M5 irrefutable establishes the allegation that it was the CSE who attended to the transactions pertaining to removal of blank Ex. M5 and making entries thereon.

The DR has failed to rebut the evidence lead in support of the charges. He has not examined any witness or produced any documents on his behalf. The charge sheeted employee was also not examined.

The documents and witnesses on behalf of the management corroborates the facts stated by various witnesses from MW1 to MW14. The evidence of various management witnesses and documents taken on record and marked as Management exhibits clearly show that the CSE had fraudulently obtained possession of cheque book bearing No. 8733271-280 and 3736021-30 from the branch and dishonestly utilized the same for withdrawing Rs. 62,400 from the SB account of Late Shri P.D. Cruz by forging the initials of the concerned supervisor and committed gross misconduct as per Chapter XI Reg. 3J of Canara Bank Service Code.

9. Similarly the reasonings given by the enquiry findings with regard to the proof of charge No. 2 levelled

against the first party under the heading 'Conclusion' are found on pages 27 to 29 running as under :—

Conclusion:

As can be seen from the above, the three cheques Ex. M66, M75 and M77 passed together with cheque No. 3735082 (Ex. M66) for Rs. 4700 on 5-4-1986 are similar and might have been passed by one person i.e. Smt. Kamala Aswath. The very fact that Smt. Kamala Aswath checked the entries in the ledger as well as in the subsidiary in respect of cheques 8746747 and 8730505 in SB 11973 and 11287 respectively show that Smt. Kamala Aswath only passed the said cheques for payment. Further, it is obvious that the same person, i.e. Smt. Kamala Aswath only should have passed the cheque No. 3735082 for Rs. 4700 (Ex. M66) also for payment.

Shri BSN Adiga, in Ex. M83 confirmed that Smt. Kamala Aswath was the only supervisor in SB department on 5-4-86 and the initials of the supervisor in all the cash paid cheques passed on that day bears red ink.

This statement of Shri BSN Adiga is also another strong circumstance for suspicion against Smt. Kamala Aswath.

It is also evident that the permanent supervisor Shri Shivaram was on leave from 2-4-1986 to 4-5-1986. In his place Smt. Kamala Aswath was working on 5-4-1986 in the SB department as Supervisor. She was the only one supervisor working in the SB department on that day. Mr. Shivaram in his deposition confirmed the same.

In the light of the above facts and circumstances it is clear that Smt. Kamala Aswath acted negligently while passing the above cheques for payment, fraudulently withdrawn the amount by forging the signature of Shri K.C. Jagadeeswaran, holder of SB 10132.

The fact that Smt. Kamala Aswath purchased a DD for Rs. 80,000 in favour of Canara Bank also shows the involvement of Smt. Kamala Aswath in the fraudulent withdrawal of Rs. 4,700 from the SB account 10132 of Shri Jagadeeswaran. The charge sheeted employee also admitted at Ashoknagar Police Station having committed fraud in the various SB Accounts of Shantinagar Branch. This has been deposed by Shri B.N. Mallya, Senior Manager, in the enquiry.

In the circumstances, I reasonably conclude that the chargesheeted employee passed a cheque for Rs. 4,700 in an inoperative account though the signature on the cheque does not tally with the specimen lodged with the bank and fraudulently withdrew Rs. 4,700 from the SB account 10132 of Shri K.G. Jagadeeswaran, customer of Shantinagar Bangalore branch.

The DR has since submitted his written arguments. In his lengthy submissions, the DR has touched the various aspects of enquiry proceedings. He started saying that the Management witnesses have contradicted and the depositions of the MWs suffer from inconsistencies and inadequacies. Further, according to the DR, the outside witnesses have been tutored and the balance is placed more on Investigation Report Ex. M60. While making the

above submissions, the DR seems to have forgotten that the Investigation report is the basis for framing the Charge Sheet. So also the DR has made general comments saying that the management witnesses are suffering from inconsistencies and inadequacies.

Regarding the depositions of MW1, the DR stated as follows :—

1. Rudraprasad (MW12) Officer, Vysya Bank Ltd., Jayanagar Bangalore branch along came to Shantinagar Bangalore branch and not officials from Vysya Bank came to the branch as per the Investigation Report.
2. MW12 did not meet anybody after identifying Smt. Nirmala at Shantinagar Bangalore branch.
3. MW12 identified Nirmala at about 6 PM whereas the Investigating Officer Mr. B.V. Janardhan (MW1) has stated that MW12 identified Nirmala at about 5.30 PM.

Though there may be some difference in the depositions of MW12 and MW1 regarding timings and the number of persons, the fact remains that Shri Rudraprasad (MW12) identified Smt. Nirmala as the chargesheeted employee at Shantinagar Bangalore branch and this fact has not been disproved. The DR also could not establish any points contrary to the above.

The DR seems to be questioning the way in which the Investigation was conducted by MW1. He stated that Ex. M50 from Shri B.P. Lingachar was obtained under coercion and threat, which is not borne out of facts. He alleged that the investigation was not conducted properly by MW1 just because it does not suit him. MW1 is an experienced officer having conducted number of investigations and for the purpose of this investigation, he has interrogated the concerned, verified the relevant documents and given the report basing on the facts. MW1 was cross examined by the DR and at no point of time, he could establish that the Investigation was not conducted properly.

10. Therefore from the reading of the enquiry officer, it can be very well gathered that the learned enquiry officer in the first instance brought on record the oral and documentary evidence produced by the management and then he analysed the evidence and thereafter by giving sufficient, valid and cogent reasonings arrived at the conclusion that both the charges levelled against the first party have been proved beyond any doubt. As far as the first charge levelled against the first party is concerned, learned enquiry officer rightly relied upon the deposition of MW12, testifying to the effect that the first party opened the SB account No. 7501 at Vysya Bank, Jayanagar Branch giving her fictitious name as Smt. Nirmala and that account later on was converted into a joint account by adding the name of Mr. Peter D Cruz once again a fictitious account. The above said witness in his deposition in no uncertain words has stated that the first party used to visit Vysya Bank where he was working for depositing cheques and withdrawals in SB account No. 7501. With no doubt in mind he identified the first party as 'Nirmala' holder of SB

account No. 7501 at his branch when he came to Shanthinagar Branch where first party was working in the name of Smt. Kamala Aswath. During the course of cross examination of MW12, his testimony could not be shaken on the aforesaid important particulars namely, of the first party opening fictitious account in the said Vysya Bank giving her name as Smt. Nirmala and thereafter converted the said account into a joint account by adding the name of Mr. Peter D Cruz, whose account was with Shanthinagar Branch of Canara Bank, left unoperated on account of his death leaving a balance amount of Rs. 62,460.42 vide account No. 9488. The learned enquiry officer was also right in coming to the conclusion that the very conduct of the first party in remitting a sum of Rs. 80,000 by way of purchasing a DD in favour of the bank where she was working would tell the tale upon the fact that she was involved in committing the misconduct in question as otherwise such a huge amount would not have been deposited by the first party with the management bank towards the amounts she misappropriated by way of encashing the cheques from the Vysya Bank towards the amount in the account of said Peter D Cruz. Her contention that she purchased the DD of Rs. 80,000 on the assurance given by the Divisional Manager as stated above, was rightly rejected by the enquiry officer being an after thought and unacceptable. No man of prudence could believe that on the oral assurance given by the Divisional Manager the first party would have deposited the said amount that too selling her jewelry as contended by her in the Claim statement.

11. With regard to the Second Charge also the enquiry officer has discussed in length and appreciated in a proper perspective the evidence brought on record during the course of enquiry. From the reading of the reasonings given by the enquiry officer with regard to Second Charge, it cannot be said or contended that the evidence brought on record was not legal and sufficient to substantiate the above said charge against the first party. Therefore, it was neither a case of 'no evidence' nor a case of 'no sufficient and legal evidence' to lend support to the contention of the first party that the findings of the enquiry suffered from perversity. The material evidence brought on record to speak to the charges of misconduct leveled against the first party was more than sufficient, legal and convincing for any man of prudence to arrive at a conclusion as arrived at by the learned enquiry officer in this case.

12. As noted above, learned counsel for the first party in his argument has not made out a case as to how the findings really suffered from perversity. He just argued to say that the findings are baseless and perverse and that the learned enquiry officer has just considered the management evidence ignoring the objections and case of the first party. He failed to point out as to how and why the voluminous oral and documentary evidence produced by the management establishing the charges of misconduct against the first party was not legal and sufficient to lead to the conclusion as arrived at by the learned enquiry officer. Therefore, it must be held that charges of misconduct have been proved against the first party beyond any doubt and findings of the Enquiry Officer are quite legal and correct.

13. Coming to the point of delay in raising the dispute, it was again well argued for the management that the present reference by the first party is liable to be rejected as a stale claim there being no sufficient and compelling reason given by the first party in raising the dispute before the labour authorities in the year 1999 resulting into the reference to this tribunal in the year 2000. The explanation given by the first party in her claim statement at paras 12 and 13 is that she approached the Hon'ble High Court challenging the dismissal order passed against her in Writ Petition No. 15439/91 and it being dismissed by a learned single judge on 28-10-98 on the ground that she had an alternative remedy under the ID Act. She again preferred a Writ appeal No. 610/98 and thereafter had withdrawn the same by filing a memo seeking liberty to raise an Industrial Dispute under the ID Act and on her said memo writ appeal was dismissed on 15-6-99 and thereafter she raised the dispute before the Assistant Labour Commissioner (C), Bangalore. It was well argued for the management that the explanation offered by the first party in raising the dispute before the proper authority after a lapse of period of more than 9 years is neither plausible nor acceptable. Thus litigating before a wrong forum cannot be a proper explanation to condone the delay. Their Lordship of our Hon'ble High Court in a case reported in 2002 LLJ 297 Kar held that the dispute raised by delay of 8 years shall be held to be a stale claim rather a dead claim. Their lordship of Supreme court in a decision reported in 2005 SC cases 91 in Haryana State Cooperative Land Development Vs. Neelam again held the view that 'though the court cannot import limitation period in the absence of the same being prescribed under the statute and it does not mean that a stale claim must be entertained and relief can be granted. Therefore, the present reference being delayed for a period of more than 9 years that for without proper and appreciable explanation is also liable to be rejected on this count.

14. Now coming to the question of quantum of punishment, it was rightly argued for the management that keeping in view the gravity of the misconduct, particularly, the first charge of misconduct levelled against the first party and proved by overwhelming evidence, punishment of dismissal cannot be said to be harsh excessive or shockingly disproportionate. As can be seen from the first charge of misconduct the first party took undue advantage of death of said Peter D Cruz and the fact of non operation of the said account being Supervisor in the bank at the relevant point of time. She managed to see that the fact of non operation of the account of the deceased Peter D Cruz did not come to light and then opened a fictitious account in the name of Smt. Nirmala by way of impersonation and then stealthily converted the said account as a joint account in the name of said Smt. Nirmala and Mr. Peter D Cruz and thereafter she went on drawing the amounts lying in balance in the account of said Peter D Cruz at her Jayanagar branch by issuing false and forged cheques in the name of Smt. Nirmala getting them encashed at the said Vysya Bank. This misconduct committed by the first party in my opinion deserved no leniency and therefore, punishment of dismissal has to be maintained and hence reference is answered accordingly, by passing following award.

AWARD

Reference is dismissed. No order to cost.

(Dictated to PA transcribed by her corrected and signed by me on 15th December 2005)

A.R. SIDDIQUI, Presiding Officer

नई दिल्ली, 3 जनवरी, 2006

का. आ. 354.— औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार स्टेट बैंक आफ इंडिया के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/ श्रम न्यायालय, कानपुर के पंचाट (संदर्भ संख्या आई डी-136/99) को प्रकाशित करती है, जो केन्द्रीय सरकार को 3-1-2006 को प्राप्त हुआ था।

[सं० एल-12012/330/98-आई.आर. (बी-1)]

अजय कुमार, डैस्क अधिकारी

New Delhi, the 3rd January, 2006

S.O. 354.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (ID-136/99) of the Central Government Industrial Tribunal/Labour Court, Kanpur now as shown in the Annexure, in the industrial dispute between the employers in the relation to the management of State Bank of India and their workman, which was received by the Central Government on 3-1-2006.

[No. L-12012/330/98-IR(B-1)]

AJAY KUMAR, Desk Officer.

ANNEXURE

**BEFORE SRI SURESH CHANDRA
PRESIDING OFFICER CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT
SARVODAYA NAGAR, KANPUR, U.P.**

Industrial Dispute No. 136 of 99

General Secretary
State Bank of India Staff Association
2/363 Namnagar, Agra

AND

The Assistant General Manager
State Bank of India
Sanjay Place, Agra

AWARD

1. Central Government Ministry of Labour vide its notification no. L/12012/330/98-IR(B-1) dated 26-2-99 has referred the following dispute for adjudication to this tribunal :—

Whether the action of the management of State Bank of India in stopping two increments of Sri L P Shroff vide order dated 14-3-95 is justified? If not to what relief the workman is entitled?

2. The case of the union in brevity as set up on behalf workman L P Shroff is that the workman was charge Sheeted on 25-2-99 for the alleged misconduct of 1983 after a lapse of 10 years. On the basis of said belated chargesheet the Management bank completed mere formality in the name of disciplinary action against the concerned workman to bring at home the alleged misconduct. It has also been alleged that the finding of the enquiry officer is perverse and cannot be made basis of awarding punishment to the concerned workman as there is no convincing evidence on record to hold the workman guilty of the charges. It is alleged that the decision of the disciplinary authority is arbitrary, illegal unfair and unjust as not Supported by the evidence and is based on conjectures and surmises. Likewise the appellate authority also confirmed the decision of the disciplinary authority without any speaking order in an arbitrary and unjustified manner. As a whole it has been alleged that the findings of the enquiry officer, disciplinary authority and appellate authority are perverse as not based on legally convincing evidences.

3. On the basis of above allegations it has been prayed by the union that the punishment awarded to the workman be set aside being illegal, unfair and unjustified and the bank management be directed to release the increments so withheld by way of awarding punishment of stoppage of 2 annual graded increments.

4. The Management contested the claim of the union by filing detailed reply against the statement of claim filed by the union, wherein it has been admitted by the bank that the workman was chargesheeted on 25-2-93 on the complaint filed by Sri Bankey Lal in the year 1987 for abuse and misuse of money. Preliminary enquiry was conducted by the bank and the matter was referred to CBI which did not conclude the matter despite the lapse several years. Then the bank administration decided to issue chargesheet to the claimant. The allegations against the disciplinary authority and the appellate authority are false and unfounded. It has also been admitted by the management bank that the tentative punishment was issued for stopping the four increments and in the punishment order the disciplinary authority reduced it to two increments. The decision of the disciplinary authority and the appellate authority is just proper and fair and based on principles of natural justice as the same are based on a very good reason and allegations of the union contrary to above are misleading and misconceived. The workman was given full opportunity in his defence during the course of disciplinary action. The order of the disciplinary authority and the appellate authority are based on sufficient reasons and evidence accordingly it has been prayed by the management bank to dismiss the claim of the workman.

5. After exchange of pleadings between the parties contesting parties filed oral as well as documentary

evidence in support of their respective claims and counter claims.

6. This tribunal vide order dated 19-2-01 framed following preliminary issue:—

Whether the domestic enquiry conducted by the management was fair and proper?

7. The tribunal vide finding on preliminary issue dated 6-11-01 has held that the domestic inquiry conducted by the management is vitiated and the management was directed to lead evidence afresh in support of its allegations as mentioned in the chargesheet.

8. The management failed to adduce evidence despite opportunities having been afforded to them and even the management has not cared to pay the adjournment cost for their delayed action and adjournments. Ultimately proceedings were fixed for arguments with the consent of the parties.

9. The domestic enquiry has already been set aside by learned predecessor vide order dated 6-11-01. In the absence of any other additional evidence to substantiate the charges levelled against the workman by the management, the workman cannot be held responsible for the alleged charges. On going through the record it is clear that this is a case where the workman has been arbitrarily punished for no proved fault of the workman. In any case the trival lapse alleged on the part of the workman where by the report was not submitted on prescribed proforma for sanctioning the loan though the loan was duly sanctioned by the authority and the repayment of the said loan has already been made is of no avail to management. Therefore, even if this trival lapse on the part of the concerned workman is considered to be proved it cannot be made a reasonable and just ground for awarding the punishment by the bank. The action of the management, is therefore, not only arbitrary but also is a self speaking act of the management to punish the workman for insufficient ground of no fault at all.

10. There is no evidence worth the name to strengthen the charges as proposed by the management against the workman.

11. In the absence of any evidence the charges having not been proved the action of the management vide order dated 14-3-95 issued by the disciplinary authority proposing punishment of reducing the pay of the workman to two stage lower is held to be arbitrary unfair and unjust which is accordingly liable to be set aside.

12. In view of above the workman is entitled for the benefit in terms of money which were withheld arbitrarily by their illegal punishment order.

SURESH CHANDRA, Presiding Officer

नई दिल्ली, 3 जनवरी, 2006

का. आ. 355.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार कर्नाटक बैंक लि. के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, बंगलौर के पंचाट (संदर्भ संख्या सी आर 56/2000) को प्रकाशित करती है, जो केन्द्रीय सरकार को 3-1-2006 को प्राप्त हुआ था।

[सं० एल-12012/199/2000-आई आर (बी-1)]

अजय कुमार, डेस्क अधिकारी

New Delhi, the 3rd January, 2006

S.O. 355.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (CR-56/2000) of the Central Government Industrial Tribunal/Labour Court Bangalore now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Karnataka Bank Limited and their workman, which was received by the Central Government on 3-1-2006.

[No. L-12012/199/2000-IR-(B-1)]

AJAY KUMAR, Desk Officer.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT BANGALORE

Dated : 21st December, 2005

PRESENT N :

Shri A.R. SIDDIQUI, Presiding Officer

C.R. NO. 56/2000

IPARTY

Shri Pramod,
S/o Thimmoji Patil,
R/o Almel (P.O.),
Sindagi Taluk,
Bijapur District,
Karnataka State

IIPARTY

The General Manager,
PIR Division,
Karnataka Bank Ltd.,
Mangalore,
Karnataka State

AWARD

1. The Central Government by exercising the powers conferred by clause (d) of sub-section (2A) of the Section 10 of the Industrial Disputes Act, 1947 has referred this dispute vide order No. L-12012/199/2000/IR(B-1) dated 3/16-8-2000 for adjudication on the following Schedule :

SCHEDULE

"Whether the action of the management of M/s. Karnataka Bank Ltd., Mangalore in terminating the services of the workman and for not considering the candidature of the workman for the post of Attender, though he is having requisite qualification, is justified? If not, to what relief the workman is entitled to?"

2. The case of the 1st party workman as made out in his Claim Statement, briefly, stated is that he was appointed as a Sweeper w.e.f. 12-8-1981 and worked at Almel Branch of the management up to 1-1-1981. Then he worked as a Sweeper and also as an Attender in the bank till 11-4-1984. He rendered his services only with an unblemished record; that he rendered his services as a Sweeper and Attender in place of Attender, Shri V.D. Patil who transferred to Arohalli branch and on his transfer, the head office of the management called for applications for the appointment of local persons to the post of Attender; the first party since already was working in the said branch his name was recommended to the said Attender post by the then manager of the branch; that without any reason the management terminated his services w.e.f. 11-4-1984 and hence the refusal of the work being otherwise for misconduct tantamounts to retrenchment as defined under Section 2(oo) of the ID Act particularly in view of the fact that he worked for more than 240 days in each calendar year and therefore, provisions of Section 25F (a&b) were required to be complied with by the management in terminating his services; that the management did not continue his services as Sweeper nor his case for the post of attender was considered though he was eligible for the said post; that the first party approached the management on number of occasions after he was refused work from 11-4-84 and also submitted several representations but the officials all along went on assuring him for the post but did not consider his case. Therefore, the first party could not approach this tribunal or raised the conciliation at the earlier point of time; that the first party had no means of the livelihood and was suffering from great hardship and after his services were terminated, had financial difficulties also in not raising the dispute or approaching this tribunal at the earliest point of time, therefore, the delay caused is to be condoned for the aforesaid reasons. He also contended that the reference cannot be rejected on account of the delay and it is for the court to consider the same while molding the relief; that the action of the management also is a clear case of violation of clause 2 (ra) read with 5th Schedule to the ID Act inasmuch as the management appointed some others in his place. Further the action of the management amounts to unfair labour practice and victimization as the case of the first party was not considered despite his unblemished record and his eligibility to the post of Attender. Therefore, the first party requested this tribunal to pass award setting aside the termination order passed against him with a direction to the management to consider his case for the post of Attender and any other relief along with the cost of the proceedings.

3. The management by its Counter Statement in the first instance raised the contention that the dispute raised by the first party by way of reference after an abnormal delay of 18 years without offering any satisfactory explanation is liable to be rejected on the ground of inordinate delay itself as he is estopped from raising the present reference. The management thereafter went on denying almost all the contentions made in the Claim Statement of the first party contending that the first party was neither appointed by the management as Sweeper

w.e.f. 12-8-1981 nor he worked under the management bank as Sweeper or an Attender till 11-4-1984. It also denied that the first party worked in the place of Shri B.D. Patil who was transferred to Arohalli branch and that thereafter applications for the post of Attender was called for by the head office and his name for the said post was recommended by the then branch manager. It further contended that even otherwise the branch manager had no authority or powers to make any recommendation and even if he had made such recommendations it is not binding on the head office as the selection process of an attender is based as per the procedure of the interview and merits. Therefore, first party cannot claim any right for the post of Attender on the basis of the recommendations. The management further contended that first party was not appointed as a permanent employee and it is not clear in what capacity he worked with the bank for more than 240 days in each calendar year so as to allege that the management violated the provisions of ID Act. It further contended that the post of Attender is to be filled up by way of interview and on the basis of the merits and since the first party attended no such interview nor had the merit, cannot assume that he is fit for the said post of attender. The management then denied the contention of the first party that he made several representations to the management to take back in service and that he was being given assurances by the officials of the management bank. The management also contended that the contention of the first party that he had financial difficulties disabling him to raise the dispute at the earlier point of time is not sufficient ground to raise the dispute on hand by way of the present reference and therefore, reference is liable to be rejected.

4. During the course of trial, the management examined one witness as MW1 and got marked 5 documents at Ex.M1 to M5. The first party examined himself as WW1 and in the cross examination of MW1 got marked two character certificates in his favour at Ex.W1 and W2. Statement of MW1 in his examination chief is as under :

‘I have joined the services of the management as an officer of Karnataka Bank branch at Mysore in the year 1994. In the year 2000 I was transferred to the head office at Mangalore and has been working in HR&IR department till today. My department is looking after the personal files and records of the officials and employees including the part time workers working under the Management.

I now see a letter engaging the services of first party as part time sweeper at Almel branch in Bijapur Dist. It is at Ex.M1. On the reverse of it there is an acknowledgement made by the workman which is at Ex.M1(a). Ex.M2 and Ex.M3 are the letters given by the first party expressing his inability to do the work and making request to relieve from duties. He resigned from job on the ground that he has got work elsewhere. Accordingly, the Almel branch relieved him from duties at Ex.M4. Ex.M5 is the application sent to our head office through Almel branch making a request to appoint him as Attender while he was working as Sweeper. The then Almel branch manager one Mr. Kulkarni expired in the year 1996. It is not true to say that

the first party did the work of Sweeper as well as Attender. I request the court to dismiss the reference.

5. Statement of WW1 in his examination chief is as under:—

I joined the services of the second party as Sweeper cum Attender in the year 1981. There was no order in writing for my appointment. It was issued in the year 1983. Ex.M1 is the said order. I joined the second party Almel branch in Bijapur. I worked in the above capacity till April 1984.

The letters at Ex.M2 and Ex.M3 are not in my handwriting but it bears my signatures. The manager of the bank Mr. Kulkarni had taken by signatures on Ex.M2 and Ex.M3 telling me that I will be given exclusive work of attender. Along with Ex.M2 and Ex.M3 he also took from me the application at Ex.M5 or the post of Attender. I have not heard anything about my said application thereafter. I was not served with any order removing me from the service of Sweeper. I was still in the service of the Second Party even after my application at Ex.M5. I continued to work as Sweeper till 1994 being wages of Rs.40 per month.

I had worked in place of B.D. Patil who was promoted as a Clerk from Attenders post. I could not raise conciliation immediately as I was being given promises from the bank of my reinstatement and orders on Ex.M5. There was no complaint against me in my service.

6. I would like to refer to their statements in cross examination as and when found relevant and necessary. Based on the aforesaid oral and documentary evidence brought on record, learned counsel for the first party argued that the fact that the first party was in the service of the management bank up till September 1985 has been very much established in the very document produced by the management particularly, the alleged resignation letters at Ex.M2 & Ex.M3 and the relief order at Ex.M4. learned counsel submitted that from the above said statement of MW1 in his examination chief as well as in his cross examination it will be very much clear that the first party was in the service of the management till September 1985 and therefore, it can be presumed that he was in the service of the management bank continuously from the date of his appointment in the year 1981 till he was relieved from duty as per the order at Ex.M4 made in the month of September 1985. He therefore, further contended that since the workman worked continuously for a period of 240 days and more in each calendar year till his services were terminated, the refusal of work to the workman amounts to retrenchment as defined under section 2(oo) of the ID Act and since there was no compliance of Section 25F (a&b) of the ID Act, retrenchment amounts to illegal termination and therefore, the first party is entitled to reinstatement in service. On the point of delay, learned counsel submitted that it is on account of financial difficulties and the hardship suffered by the first party due to termination order and the assurances given by the bank officials, he did not raise the dispute well within time and therefore, delay may be condoned and appropriate relief may be given to him.

7. Whereas, learned counsel for the management argued that reference on hand has to fail firstly on the ground of inordinate delay of 18 years itself. He next argued that the first party had no right to claim the post of Attender mainly for the reason that he worked with the bank for some time and his name was recommended for the post of Attender by the then Manager of the head office of the management. There was no argument on behalf of the management disputing the fact that the first party by virtue of the appointment order at Ex.M1 made in the year 1983 was in the service of the management bank up till September 1985 except to say that on the basis of resignation letter submitted by the first party at Ex.M3 (Ex.M2 is the copy of Ex.M3) dated 17-9-1985 he was relieved from duty as per the relief order dated 17-9-1985 and therefore, he cannot claim any relief of reinstatement or a direction from this tribunal against the management to consider his case for the spot of Attender. On the point of delay learned counsel referred to a decision reported in (2005 SC cases 91 in Haryana State Cooperative Land Development Vs. Neelam).

8. On going through the records, more particularly, the very documents produced by the management and the statement of management witness it can be safely concluded that the action of the management in refusing work to the first party tantamounts to retrenchment as defined under section 2(oo) of the ID Act and there being no compliance of Section 25F(a&b), it is a case of illegal termination. As per the case made out by the first party in his claim statement as well as in his statement in examination chief, he worked with the management bank from 12-8-81 till 11-4-1984 initially as a Sweeper and then as a Sweeper as well as an Attender continuously till he was refused work w.e.f. 11-4-1984. To begin with as noted above, the management by its counter statement disowned the first party taking the contentions that at no point of time he was appointed as a Sweeper or worked as a Sweeper as well as an Attender with the bank but very strangely the management through the statement of its witness, MW1 came out with an altogether different case. As seen above, in his statement in examination chief, MW1 in no uncertain terms he admitted the appointment of the first party as Part time Sweeper at Almel Branch in Bijapur District and also referred to the appointment order at Ex.M1. Further he came out with the version that by giving a letter Ex.M3 the first party expressed his inability to do the work and resigned from the job on the ground that he has got work elsewhere and accordingly Almel branch relieved him from duties as per the relief order at Ex.M4 dated 17-9-1985. In his cross examination MW1 admitted that first party worked as a part time Sweeper up till December 1985 getting salary of Rs. 40 per month. It was elicited from his mouth that as per Ex.M4 the first party has been relieved from duty as a part time Sweeper as on 17-9-1985 and that means to say that he has worked in that capacity till the day of his relief. Therefore, from the very statement of MW1 it becomes crystal clear that the first party worked with the management bank at least from the date of his appointment taken place on 31-5-1983 till he was relieved from duty as per order dated 17-9-1985. However, for the first time MW1 introduced a story of

resignation of the job by the first party as per his letter at Ex.M3. The fact that Ex.M3 was submitted by the first party under his signature stating that he did not like to continue the job having got some other job elsewhere is very much admitted by the first party himself but it is his case that his signature was obtained on Ex.M3 by force by the then manager giving assurances that he will be given a permanent job of the Attender. The story put forth by the management with regard to the resignation is liable to be discarded on its face itself, there being no such case made out in the Counter Statement filed by the management. As noted above, the case of the management was of total denial. It suppressed the fact of appointment of the first party by written appointment order at Ex.M1 and it also did not hint its defence of resignation by the first party *vide* Ex.M3 and the relieving order at Ex.M4. In fact Ex.M4 also did not disclose or indicated that a resignation of first party having been accepted by the management, he has been relieved from duty. The wordings of Ex.M4 are just to the effect that the first party was informed that he has been relieved as part time sweeper from today. Therefore, it is in this view of the matter one has to reject the theory of the resignation put forth by the management and at the same time must accept the explanation given by the first party that his signature was obtained on Ex.M3 under force by the then Manager on certain false assurances. Of course, as seen above, the first party came out with the case that he joined the services of the management on 12-8-1981 as Sweeper and worked up till 11-4-1984 but as could be disclosed from the very statement MW1, the first party in fact worked up till September 1985. Therefore, if we act upon the statement of the first party that he worked from August 1981 till April 1984 continuously or we go by the case of the management made out in the statement of MW1 that first party was in the service of the management from 31-5-1983 till he relieved from duty on 17-9-1985, in either case it is to be followed that first party was in the service of the management bank continuously for a period of 240 days and more when his services came to be terminated either by way of oral instruction or by way of the alleged relieving order at Ex.M4. It is here one has to accede to the arguments advanced for the first party that he being in the services of the management bank continuously for a period of 240 days and more, his termination by way of retrenchment as defined under Section 2(oo) of the ID Act could have been done legally by fulfilling the requirement of Section 25F(a&b) of the ID Act. Undistiputably the management has not complied with the provision of Section 25F(a&b) of the ID act and therefore it is a case of illegal retrenchment resulting into illegal termination liable to be set aside as illegal and void abinitio.

9. Now coming to the question of delay, there appears substantial force in the arguments advanced by the management that the dispute raised by the first party somewhere in the year 2000 after being terminated from services in the year 1984 was a stale dispute not at all existing at the time it was raised by the first party. The explanation given by the first party in raising the dispute after the delay of more than 15 to 16 years from the date of

his alleged termination, as argued for the management is neither plausible nor acceptable. At Para 7, the first party came out with the explanation that after he was refused work he approached the management on number of occasions submitting several representations and the officials of the bank went on assuring him the job in the bank and therefore, he could not approach or raised the dispute at the earlier point of time. At para 8, he comes out with a different version saying that because of the management terminating his services, he had financial difficulties in approaching this court. Therefore, the above said self-conflicting explanations offered by the first party deserves no consideration and as argued for the management, the aforesaid reasons given by the first party also cannot be considered to be sufficient and reasonable in raising the dispute after a gap of more than 15 to 16 years. The reasons, rather, the explanation offered by the first party is neither convincing nor satisfactory so as to condone the delay in raising the dispute on hand. Their Lordship of Supreme Court in a decision reported in AIR 2001 SC 69 held the view that 'termination challenged as illegal after lapse of 13 years, there being no explanation of delay offered, the court was right in refusing the relief on the ground that it was stale claim'. Their Lordship of Supreme Court in a decision reported in AIR 2000 SC 839 also observed that a complaint made after a lapse of 7 years cannot give rise to an industrial dispute or that industrial dispute can be said to have been apprehended. Their Lordship further held that reference of such dispute is bad both on the ground of delay and lack of industrial dispute existing as apprehended. Their Lordship of our Hon'ble High Court in a decision reported in 2002 II LLJ page 297 held the view that unexplained delay of 8 years by workman raising the dispute, rendered reference stale and dead. Their Lordship of Supreme Court in a latest decision reported in 2005 (5) SC 91 referred to *supra* and cited on behalf of the management, have again made it abundantly clear that though there is no time limit prescribed under the statute for raising the dispute so as to say for making of the reference by the government concerned, it does not mean that irrespective of facts and circumstances of each case, a stale claim must be entertained and relief granted by the authority concerned under the ID Act. Their Lordship at paras 18 & 12 of the said decision have also it clear that the object of ID Act, is not to automatically entitle a workman to relief against the employer irrespective of his conduct holding further that procedural laws like estoppel, waiver and acquiescence are equally applicable to industrial proceedings. At paras 21 & 22, their Lordship observed that while exercising the powers under Section 11A of the ID Act, considerations, such as nature of post, vacancy from which dismissal was made, whether it was permanent or temporary and existence of vacancies in the establishment where reinstatement sought and rights of intervening third party if any cannot be ignored by the court granting the relief. In the instant case also lot of water has flown under the bridge and it is in the words of first party himself in his claim statement that to his place have been posted as Attender. There is no case of the first party that there is an existing vacancy to which he can be accommodated at this stage. His case

to give a direction to the management to consider him for the post of Attender also cannot be entertained. Merely because his name was recommended for the post of Attender by the then Manager while working at the bank, it does not confer any right or claim on the first party to seek the relief against the management to consider his case for the post of Attender, that too, again at this distance of time. Therefore, in the light of the above, I must hold that though on facts, the order made by the management terminating his services is bad in law amounting to illegal retrenchment as defined under Section 2(oo) read with Section 25F (a&b) of the ID Act so as to get the relief of reinstatement in a normal course. Unfortunately this tribunal is unable to grant him the said relief as the reference suffered from an inordinate delay of more than 15 to 16 years and that delay as noted above, has not been explained by the first party giving out convincing and compelling reasons. Accordingly, the reference is answered and following award is passed.

AWARD

The reference stands dismissed. No order to cost.

(Dictated to PA transcribed by her corrected and signed by me on 21st December 2005)

A.R. SIDDIQUI, Presiding Officer.

नई दिल्ली, 3 जनवरी, 2006

का. आ. 356.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एम. पी. खनिज निगम लि. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, जबलपुर के पंचाट (संदर्भ संख्या 24/2002) को प्रकाशित करती है, जो केन्द्रीय सरकार को 3-1-2006 को प्राप्त हुआ था।

[सं० एल-29011/83/2001-आईआर (विविध)]

बी. एम. डेविड, अवर सचिव

New Delhi, the 3rd January, 2006

S.O. 356.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. 24/2002) of the Central Government Industrial Tribunal-cum-Labour Court, Jabalpur as shown in the Annexure in the Industrial Dispute between the management of M. P. Khanij Nigam Ltd., Sub-office Akashwani Road, Jagdalpur and their workman, received by the Central Government on 3-1-2006.

[No. L-29011/83/2001-IR(M)]

B. M. DAVID, Under Secy.

ANNEXURE

BEFORE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT JABALPUR

No. CGIT/LCR/24/2002

PRESIDING OFFICER: SHRI C. M. SINGH

Shri Ch. Malyadri, No. 5, Hind Street,
Daiva Nagar, West Tambaram,
Chennai, Chennai-600045

Shri Sunaram Cook Helper,
M. P. Khanij Nigam, Sub Office,
Akashwani Road,
Jagdalpur

Workmen/Union

Versus

M. P. Khanij Nigam Ltd.,
Sub Office, Akashwani Road,
Jagdalpur (MP).
Officiating Officer,
M. P. Khanij Nigam Paryavas Bhawan,
B. No. 1 Second Floor-A, Jal Road,
Arera Hill, Bhopal (MP).

Management

AWARD

Passed on this 19th day of December, 2005

1. The Government of India, Ministry of Labour vide its Notification No. L-29011/83/2001-IR(M) dated 21-1-2001 has referred the following dispute for adjudication by this tribunal :—

“क्या म.प्र. खनिज निगम मर्या. भोपाल के प्रबंधन भो द्वारा श्री सुनाराम को दि. 1-10-84 से लगातार नियमित सेवा दैनिक मजदूरी पर करने के बाद पहले उसकी योग्यता को आधार न बनाना लेकिन निगम की सेवा में नियमित नियुक्ति देने के लिए ही योग्यता को आधार बनाना न्यायोचित है। यदि नहीं, तो कर्मकार किस अनुतोष का हकदार है?”

2. In this reference, workmen Shri Ch. Malyadri and Shri Sunaram moved application No. 15 & 16 respectively stating therein that there exists no dispute between the parties and therefore the reference be closed. It is worthwhile to mention here that the name of Shri Ch. Malyadri does not find place in the schedule of reference.

3. In view of the above two applications, the reference was closed for Award.

4. As is clear from the above that there is no dispute between the parties therefore it is a fit case for passing no dispute award accordingly no dispute award is passed without any order as to costs.

C. M. SINGH, Presiding Officer

नई दिल्ली, 3 जनवरी, 2006

का. आ. 357.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मैसर्स कोनकोर्ड बारजस प्रा. लि. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण मुम्बई नं. 1 के पंचाट (संदर्भ संख्या 39/96) को प्रकाशित करती है, जो केन्द्रीय सरकार को 3-1-2006 को प्राप्त हुआ था।

[सं० एल-31012/16/96-आईआर (विविध)]

बी. एम. डेविड, अवर सचिव

New Delhi, the 3rd January, 2006

S.O. 357.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 39/96) of the Central Government Industrial Tribunal/Labour Court Mumbai No. 1 as shown in the Annexure in the

Industrial Dispute between employers in relation to the management of M/s. Concord Barges Pvt. Ltd. and their workman, which was received by the Central Government on 3-1-2006.

[No. L-31012/16/96-IR(M)]

B. M. DAVID, Under Secy.

ANNEXURE

**BEFORE THE CENTRAL GOVERNMENT-
INDUSTRIAL TRIBUNAL NO 1. MUMBAI**

PRESENT

JUSTICE GHANSHYAM DASS

Presiding Officer

Reference No. CGIT-39 of 1996

PARTIES :

Employers in relation to the management of
M/s. Concord Barges Pvt. Ltd.,

And

Their Workmen

Appearances :

For the Management	:	Shri Nabar, Adv.
For the Workman	:	Shri J. Sawant, Adv.
State	:	Maharashtra

Mumbai the 19th December, 2005

AWARD

This is a reference made by the Central Government in exercise of its powers under clause (d) of sub-section 1 and sub-section 2A of Section 10 of the Industrial Disputes Act, 1947 (the Act for short). Vide Government of India, Ministry of Labour, New Delhi, Order No. L- 31012/16/96-ZR (Misc) dated 13-11-1996. The terms of reference given in the schedule are as follows :

“Whether the action of the management of M/s. Concord Barges Pvt Ltd., in terminating the services of S/Shri Shivdas Ekanath Mayekar Dhondu R. Parkar, Vikas Arjun Shirke, Babu Dhondiram Kadam, Pashuram Sahadev, Rumde, Rajendra M. Jadhav, Datta P. Gaikwad, Kamlakar H. Hardankar, Suresh K. Narvekar, Dashrath S. Jadhav, Haribhau B. Rajguru, Keshav B. Kamble, Karishchandra B. Jadhav, Dattaram H. Lad, Ramdas S. Durgawali and Barka S. Pawaskar w.e.f. 18-2-1995 is justified? If not to what relief are the workmen entitled to?”

2. The matter came up for hearing today. The workmen through their Advocate Shri J.P. Sawant moved an application today that the reference may kindly be disposed of for want of prosecution. This application has not been opposed by the Counsel for the First Party M/s. Concord Barges Pvt. Ltd.

3. The Parties had filed their Statement of Claim and Written Statement. The parties had also lead some evidence. The workmen did not want to prosecute the reference at this stage. In this view of the matter I have no option but to dismiss the reference with the finding that

the action of the management of M/s. Concorde Barges Pvt. Ltd., in terminating the services of the workmen named under the terms of the reference, is justified and hence the workmen are not entitled to any relief.

4. The reference is disposed of accordingly.

GHANSHYAM DASS, Presiding Officer

नई दिल्ली, 3 जनवरी, 2006

का. आ. 358.— औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार यूको बैंक के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय जबलपुर के पंचाट (संदर्भ संख्या 57/2005) को प्रकाशित करती है, जो केन्द्रीय सरकार को 03-01-2006 को प्राप्त हुआ था।

[सं० एल-12011/9/2005-आई.आर. (बी. II)]

सी.गंगाधरण, अवर सचिव

New Delhi, the 3rd January, 2006

S.O. 358.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. 57/2005) of the Central Government Industrial Tribunal-cum-Labour Court, Jabalpur as shown in the Annexure in the Industrial Dispute between the management of UCO Bank, and their workmen, which was received by the Central Government on 03-01-2006.

[No. L-12011/9/2005-IR(B-II)]

C. GANGADHARAN, Under Secy.

ANNEXURE

**BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL CUM-LABOUR-COURT,
JABALPUR**

NO. CGIT/LC/R/57/05

Presiding Officer : Shri C.M. Singh

The General Secretary,
Daily Wages Bank Employees Association,
Hardev Niwas, 9, Sanwer Road,
Ujjain

..... Workmen/Union

Versus

The Regional Manager,
UCO Bank, Regional Office,
E-5, Arera Colony,
Bhopal (MP)-462016

.....Management

AWARD

Passed on this 8th day of December, 2005

1. The Government of India, Ministry of Labour vide its Notification No. L- 12011/9/2005(IR (B-II) dated 21-6-2005 has referred the following dispute for adjudication by this tribunal:

“Whether the action of the management of Zonal Manager, UCO Bank in not regularizing the empanelled daily wagers (as per list attached) is justified? If so, to what relief these workmen are entitled to?”

2. After the reference order was received, it was duly registered on 22-7-05 and notices were issued to the parties to file their respective statements of claim. In this case on behalf of the Union/workmen Shri Ram Nagwanshi, General Secretary of the Union moved an application Paper No. 3 whereby he prayed that no dispute award be passed in the case. Thereafter the management moved an application paper No. 13 that the reference be decided in terms of settlement arrived at between the parties.

3. I have very carefully gone through the record. The record reveals that the dispute has been settled between workmen Sarva Shri A.K. Talwar, Mohan Rathore, C.N. Sher, L.C. Bagtota, M.K. Sunhare, D.R. Malviya, V.K. Amlavad, Jeevan Sharma, Gopal Shinde, Tulsiram Sharma and the management. All of them have prayed that the reference be closed. All of them have mentioned in their application that the UCO Bank has already regularized the services of empanelled casual wagers including them in Bank and at the present there exists no dispute regarding non-regularisation of empanelled daily wages including them. It is clear from the above that no dispute is left between the parties. Under the circumstances it shall be just and proper to pass no dispute award.

4. In view of the above, no dispute award is passed without any order as to costs.

5. Copy of the award be sent to the Government of India, Ministry of Labour as per rules.

C. M. SINGH, Presiding Officer

नई दिल्ली, 3 जनवरी, 2006

का. आ. 359.— औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार हिन्दुस्तान पेट्रोलियम कार्पो. लि. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय बेंगलूर के पंचाट (संदर्भ संख्या 5/2004) को प्रकाशित करती है, जो केन्द्रीय सरकार को 3-1-2006 को प्राप्त हुआ था।

[सं० एल- 30012/47/2003-आई.आर. (विविध)]

बी. एम डेविड, अवर सचिव

New Delhi, the 3rd January, 2006

S.O. 359.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award Ref. 05/2004 of the Central Government Industrial Tribunal-cum-Labour Court Bangalore as shown in the Annexure in the Industrial Dispute between management of the Managing Director, The Group General Manager and their workman, which was received by the Central Government on 3-1-2006.

[No. L-30012/47/2003-IR(M)]

B.M. DAVID, Under Secy.

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM-LABOUR COURT, BANGALORE

Dated : 19th December, 2005

Present :

Presiding Officer : Shri A.R. Siddiqui

C.R. No. 5/04

I Party:

Shri B.R. Devanal
C/o Shri M. Ramarao,
Dharwad Dist. Emp. Assn.,
9, Corporation Building, Broadway,
HUBLI-580 020

II Party :

The Regional Manager,
Hindustan Petroleum Corporation Ltd.,
Sambaji Road, Ranichennammanagar,
P. Box. No. 529,
Belgaum District-590006
Karnataka State

AWARD

1. The Central Government by exercising the powers conferred by clause (d) of sub-section 2A of the Section 10 of the Industrial Disputes Act, 1947 has referred this dispute vide order No. L- 30012/47/2003 (IR (M) dated 19th January, 2004 for adjudication on the following schedule :

SCHEDULE

“Whether the action of the management of Hindustan Petroleum Corporation is justified in short fixation/payment of pension and purchasing of annuity for lesser amount to Shri B.R. Devanal? If not, to what relief the workman concerned is entitled?”

2. The case of the first party workman at paras 1 to 3 of his Claim Statement is as under :—

That the first party served the Second Party from 18-11-1981 to 30-11-2000 till the date obtaining Early Retirement Schedule benefits and the first party served the Second party for 19 years continuously; the first party is entitled for pension as per the schemes of the second party. However, the second party has fixed the monthly pension of the first party at Rs. 1819.94 as per Second party letter dated 17-4-2001. The Second Party while calculating pension, has taken the last drawn salary as Rs. 7870 and percentage of Pension is taken as Rs. 23.23. As per the Pension Scheme, the Second Party has to purchase Annuity for the payment of pension at Rs. 1819.94, but the Second Party Purchased the Annuity for payment of pension of Rs. 1,660. the Second Party has not considered the repeated requests of the first party to pay pension at Rs. 1819.94, that a long term settlement took place between the Second Party and its Union and the said settlement is applicable to the first party and as

per the provisions of the settlement, the first party is entitled for the Fitment benefits in respect of Basic Pay, DA, PPA and also the Pension benefits and also the revised gratuity benefits; that he has requested the Second party to pay the balance amount of gratuity as per the revised Basic pay, DA etc. in terms of the LTS provisions. The Second Party after raising the dispute in the appropriate forum has paid the revised gratuity through their Revised HPCL Staff Gratuity Plan. The Second Party, while paying the revised gratuity has taken into account the Basic Salary of the First Party at Rs. 10,035. Personal pay Rs. 854, VDA at Rs. 959. The first party submits that, he is entitled for the Pension on this pay of Rs. 11,848 and hence, the first party has requested the Second party to revise the pension as per this new revised pay. As per the Pension Scheme of the Second Party, the first party is entitled at 23.13% of the Pay of Rs. 11,848 i.e. Rs. 2740-44 as Pension per Month. The second Party has to purchase the Annuity for the payment of Rs. 2740.44. However, the Second Party has not considered the requests of the first party and is delaying the revision of pension causing loss to the first party.

3. Therefore, in the light of the above, the first party requested this tribunal to pass an award holding that the action of the management in not fixing the pension at Rs. 2740-44 and in not purchasing the Annuity for the payment over said amount, is illegal and accordingly the management may be directed to purchase the Annuity for the payment of Rs. 2740-44 as a pension to the first party with retrospective effect along with arrears and cost of Rs. 5000/- towards the additional relief.

4. After the case was registered, notices were issued against the parties. This tribunal received the Claim Statement of the first party through post and on 2-4-2004 Shri Desai, Advocate filed power for the Second party Management seeking time for filing of Counter Statement. On 7-5-04, 14-6-04 and 19-7-04 the case underwent adjournments for filing of the Counter Statement and since it was not filed, the matter came to be posted for evidence of first party. On 10-9-04, first party filed an affidavit by way of his examination chief and cross examination was deferred as counsel for Second party did not turn up. Then, the matter came to be adjourned on 18-11-04, 24-11-04 and 12-1-05 and when it was taken up on 18-01-05 the first party was present before this court rendering himself for cross examination but there was no representation on behalf of the management and therefore, he was discharged and matter was posted for arguments. On 12-7-05, learned representative for the first party filed his written arguments and case came to be adjourned for reply arguments of the management. On 12-9-05 counsel for the management filed a memo reading as under :—

That the Second Party management submits that the payment of pension to retired employees is being managed by a separate body called "Super annuation Benefit Fund Scheme". This body will purchase annuity from LIC and in turn LIC will make pension

payment to the retired employees. Once annuity is purchased from LIC. It is LIC which will make pension payment directly to the retired employee with prospective effect i.e. from the time annuity is purchased and that LIC will not make the pension payment retrospective effect.

As per the demand of the first party based on the revised salary "Super annuation benefit fund scheme" has purchased annuity from LIC and in turn LIC is making pension difference amount of Rs. 1996/- per quarter with effective from October 2004. It is to be noted that second party is not making any payment directly to the retired employees.

Wherefore, the second party prays that this tribunal may be pleased to close the above reference as settled, in the interest of justice and equity.

5. The case was adjourned to hear learned representative for the first party and on 24-11-05 after hearing the argument, the case is now posted for award.

6. The first party by way of his evidence filed an affidavit, almost, reiterating the various averments made by him in his Claim Statement referred to supra. As noted above, there was no cross examination of the first party, he is being discharged for lack of representation on behalf of the management, when the matter was taken up. Now therefore, in the light of the above, this tribunal is to answer the points of reference as noted above.

7. Learned representative, Shri MMR in his written argument while repeating the case of the first party as made out in the Claim Statement and in his affidavit contended that on 28-6-01 a long term settlement has taken place between the management and the union representatives and as per clause 2 of the said Settlement, it is valid for a period of 10 years commencing from 1-10-98 to 30-9-08. He submitted that since the first party retired under ERS on 30-11-2000, the terms of the said settlement are applicable to his case. He also invited the definition of Fitment Methodology and the revised basic pay in respect of workmen who were on the pay roll of the management corporation on 30-9-98 contending that keeping in view the said methodology, the basic pay of the first party and personal pay as on 30-9-1998 plus 20% of basic pay plus merger of VDA applicable between AICPI 1999 to 2010 at varying neutralization rates plus all fixed Dearness Allowance as on 30-9-1998 plus additional fitment benefits. Therefore, he contended that since the first party is entitled to the said fitment benefits, he applied for payment of revised gratuity and management conceded the claim of the first party and enhanced gratuity at the revised basic pay of Rs. 10,035/- plus personal pay of Rs. 854/- plus VDA of Rs. 959/- and that total pay of Rs. 11,848/- as on 30-11-2000. Therefore, learned representative submitted that when the second party has paid the first party enhanced gratuity taking his total emoluments as Rs. 11,848/-, it was also necessary for the management to revise the pension as per the above said salary and to purchase the Annuity, accordingly. Since the management has not done so despite the several requests of the first party, the present dispute is raised.

8. As seen above, there are no arguments on merits advanced on behalf of the management and it remained contented by filing the above said memo. After having gone through the records, it appears to me that the claim made by the first party is legal and justified. It is interesting to note that the averments made in the Claim Statement of the first party and in his affidavit with regard to the revision of the pay and the payment of enhanced gratuity to him on the revised pay have remained unchallenged and uncontested. In the aforesaid memo the management, nowhere disputes the facts narrated in the affidavit of the first party which affidavit evidence also has gone unchallenged there being no cross examination to first party. By way of the above said memo what is stated by the management does not meet the case of the first party workman. Its contention that the annuity will be purchased from LIC by separate body called "Super Annuation Benefit Fund Scheme" and thereafter LIC only will make pension payment to the retired employees, in no way, is an answer put forth by the first party workman. There is no denial of the fact that the management purchased Annuity for lesser amount i.e. for a sum of Rs. 1660/- as against a sum of Rs. 1819.94 based on the last drawn wages of Rs. 7870/- by the first party. It is again not disputed by the management in the said memo that after the above said long term settlement took place between the parties w.e.f. 1-10-98 which was applicable to the employees retired, the pay of the first party was revised and accordingly enhanced gratuity was paid to him. It is also not the case of the management that after the pay of the first party was revised, his pension also was raised and accordingly annuity was purchased from the LIC for the above said period. Therefore, the case of the first party as made out in the Claim Statement as well as in his affidavit has remained undisputed and undenied either by filing of the Counter Statement by cross examining the first party or by adducing any evidence by the management. The above said memo in fact, as noted above, is silent as to why the management purchased annuity for lesser amount at the rate of Rs. 1660/- instead of Rs. 1819.40 and as to why it did not revise the pay and pension of the first party though it revised and paid enhanced gratuity amount to the first party as per the revision of the pay. In the result I must hold that management was not justified in the fixation/ payment of Pension and purchasing of Annuity for lesser amount. Hence the following award :—

AWARD

The management is directed to fix the pension at Rs. 2740.44 and shall purchase the Annuity for the present rate of pension accordingly. The management shall fix the pension at the above said amount of Rs. 2740.44 with retrospective effect along with the arrears. No order to cost.

(Dictated by me, transcribed by her corrected and signed by me on 28/01/2006)

A. R. SIDDIQUI, Presiding Officer

नई दिल्ली, 4 जनवरी, 2006

का. आ. 360.— औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार यूनियन बैंक ऑफ इण्डिया के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण मुम्बई नं.-1 के पंचाट (संदर्भ संख्या 45/2003) को प्रकाशित करती है, जो केन्द्रीय सरकार को 4-1-2006 को प्राप्त हुआ था।

[सं० एल-2011/54/94आई आर (बी-II)]

अजय कुमार, डेस्क अधिकारी

New Delhi, the 4th January, 2006

S.O. 360.— In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (45/2003) of the Central Government Industrial Tribunal Mumbai No. 1 now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Union Bank of India and their workman, which was received by the Central Government on 04-01-2006.

[No. L- 12011/54/94-IR(B-ID)]

AJAY KUMAR, Desk Officer.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1 MUMBAI

PRESENT:

JUSTICE GHANSHYAM DASS, Presiding Officer

REFERENCE NO. CGIT-45 OF 2003

PARTIES: Employers in relation to the management
of Union Bank of India

And

Their workman.

APPEARANCES:

For the Management : Mr. Kantharia, Sr. Manager.

For the Union : Mr. V. H. Bhada

State : Maharashtra

Mumbai, dated the 8th day of December, 2005

AWARD

This is a reference made by the Central Government in exercise of its powers under clause (d) of sub-section 1 and sub-section 2A of Section 10 of the Industrial Disputes Act 1947 (the Act for short). *Vide* Government of India, Ministry of Labour, New Delhi, order No. L-12012/9/54/94 IR-B (II) dated 29-8-2003. The terms of reference given in the schedule are as follows:

SCHEDULE

"Whether the action of the management of Union Bank of India, Mumbai in enhancing the rate of interest on Clean Loan to 16% per annum without giving a notice of change under Section 9-A of the ID Act, 1947 is lawful and justified If not, what relief are the workmen concerned entitled to?"

2. It would be worthwhile to mention at this very juncture that in the instant case when the industrial dispute was raised and the matter was referred to the Conciliation Officer; but the talks failed. The matter was referred to the Government, but the Central Government refused to make the reference. This order of refusal dated 24-5-1995 was challenged before the High Court of Bombay in writ petition No. 1479 of 1996, the Union Bank of India Employees Vs. Union of India and others. The writ petition was allowed by the Honourable High Court. The Union Bank of India preferred letter Patent Appeal No. 359 of 2002 which was dismissed by the Honourable Division Bench of Bombay High Court with the observations that the learned Single Judge was justified in reversing the order of the Government with a clarification that as and when the matter will come up before the Industrial Tribunal it will be decided on its own merits without being inhibited or influenced by the observations made by the learned single Judge. It is how the instant reference was made by the Central Government.

3. The statement of claim dated 14-10-2003 has been filed by the Union Bank of India Employees Union, Pune through its General Secretary, (hereinafter referred to as "Union" for short). It is alleged that the workmen covered in the present reference are governed by various settlements and awards governed under the reference of Industrial Dispute Act 1947 (hereinafter referred to as the Act for short) as per terms and conditions of service. The workman are entitled to clean loan @ 4% simple interest per annum calculated on six monthly rests. This facility of loan at concessional rate is enjoyed by the workmen for several decades. It is contended that the Union of India unilaterally, arbitrarily without any just cause and also without any notice of change as required under Section 9-A of the Act increased the rate of interest from 4% simple interest to 7.5% p.a. and 16% compound in February, 1989 and March, 1991 respectively which gave rise to the Industrial dispute to the workmen. The demand is therefore made for withdrawal of the changes made from time to time regarding the interest on clean loan facility.

3. The Union Bank of India has contended by filing written statement that the demand of the Union is not sustainable. In fact no notice of change as required under section 9-A was required to be issued since there was no change in the rate of interest for the existing employees who enjoyed benefits of clean loans in view of staff circular No. 3440 dt. 17/5/1989. No employee of the bank was adversely affected and for this reason too no notice of change was required to be issued. The instant referred is not maintainable. The authority of the person who espoused the claim of the workmen had also been challenged. The grounds of attack have been given in detail in written statement but the gist of the attack is that no notice of change under section 9 is required in view of the facts and circumstances explained therein.

4. The parties have led oral as well as documentary evidence. They have also filed documents. I have heard the parties which are not represented through advocate under the orders of this tribunal. I have also perused the

record and written submissions by the parties on record. The first point for consideration is regarding the maintainability of the reference. On this point the controversy appears to have been set at rest in view of the decision given by the Honourable High Court of Bombay in Letter Patent Appeal. The reference is being made by the Government under the directions of the Honourable High Court of Bombay. This tribunal is left with the option to consider the reference on its won merits. The authority of the person who raised the dispute appears to have been set at rest in view of the admission made by the witness, Assistant General Manager, produced by the Bank who admitted Mr. Bhada to be the Gen. Secretary of the Union. He is thus empowered to raise the dispute. All contentions in this respect raised earlier in the written statement have no force. They are hereby rejected.

6. Now, the question arises as to whether the notice of change as required under section 9-A of the Act is necessary.

7. Section 9-A is reproduced below:

9A. Notice of Change :

No employer, who proposes to effect any change in the conditions of service applicable to any workman in respect of any matter specified in the Fourth Schedule, shall effect such change:—

- (a) Without giving to the workmen likely to be affected by such change a notice in the prescribed manner of the nature of the change proposed to be effected; or
- (b) within twenty-one days of giving such notice; PROVIDED that no notice shall be required for effecting any such change—
 - (a) Where the change is effected in pursuance of any (settlement or award); or
 - (b) where the workmen likely to be affected by the change are persons to whom the Fundamental and Supplementary Rules, Civil Services (Classification, Control and Appeal) Rules, Civil Services (Temporary Service) Rules, Revised Leave Rules, Civil Services Regulations, Civilians in Defence Services (Classification, Control and Appeal) Rules or the Indian Railway Establishment code or any other rules or regulations that may be notified in this behalf by the appropriate Government in the Official Gazette, apply.

8. The Union Bank contended first that the employees are not affected adversely and hence no notice of change is required. The word "affect" is contended to be interpreted as "affected" adversely. I agree with the submission but the adverse effect is apparently and conclusively there if the rate of interest to be charged @ 4% p.a. with half yearly rests is changed to 7.5% and to 16% and next to the rate of interest at PLI.

9. The next contention is that the facility of grant of clean loan @ 4% p.a. cannot be said to be a condition of service nor it is covered in any of the clause of 4th Schedule.

10. The fourth Schedule of Section 9-A is reproduced below:

THE FOURTH SCHEDULE

CONDITIONS OF SERVICE FOR CHANGE OF WHICH NOTICE IS TO BE GIVEN

(Section 9A)

1. Wages, including the period and mode of payment;
2. Contribution paid, or payable, by the employer to any provident fund or pension fund or for the benefit of the workmen under any law for the time being in force;
3. Compensatory and other allowances;
4. Hours of work and rest intervals;
5. Leave with wage and holidays;
6. Starting, alteration or discontinuance of shift working otherwise than in accordance with standing orders;
7. Classification by grades;
8. Withdrawal of any customary concession or privilege or change in usage;
9. Introduction of new rules of discipline, or alteration of existing rules, except in so far as they are provided in standing orders;
10. Rationalisation, standardization or improvement of plant or technique which is likely to lead to retrenchment of workmen;
11. Any increase or reduction (other than casual) in the number of persons employed or to be employed in any occupation or process or department or shift, (not occasioned by circumstances over which the employer has no control)

In the instant case, relevant clause is sub-clause 8 which is with respect to withdrawal of any customary concession or any privilege or change in usage. Admittedly, the facility of grant of clean loan at a concessional rate of 4% p.a. has been enjoyed by the employees since decades. It has come on record that this facility had been given to the employees even in the year 1971 and even prior to that. This facility was again adhered to in the staff circular No. 3440 on 17-5-1989. It is a privilege of the employees to have the clean loans at a concessional rate of interest. It also amounts to usage since facility had been enjoyed for a considerable long time. In this view of the matter the contention of the Union Bank of India that the change in the rate of interest does not amount to change in conditions of service is not tenable. Hence notice is necessary. The next contention is that the scheme of clean loan is to be accepted by the employees in totality. Regarding this contention I have to say that any scheme if not in violation of the Staff circular No. 3440 dated 17-5-1989 has to be accepted by Union and not otherwise. Any violation to the circular is not acceptable under the law being against the non-compliance of due procedure provided under the proviso section 9-A of the Act. Admittedly, no notice was ever issued by the Bank under section 9-A. The rulings relied upon by the Bank reported in (1970) 3 SCC 618=1971 1 LLJ 570 SC. The workmen of M/s. Sur Iron & Steel Co. Pvt. Ltd. vs. M/s. Sur Iron & Steel Co. Pvt. Ltd. and Another

and 1982 1 LLJ 330 SC=1982 1 SCC 645 L. Robert D'Souza vs. Executive Engineer Southern Railway and Another are not helpful at all to the Bank.

12. It is next contended that no notice of change is required since the employees of the Bank were given an option to exercise for accepting either the earlier scheme or the subsequent scheme. As mentioned earlier, notice of change is necessary but option given by the employees to the employer in the instant case dilutes the gravity of the matter in hand. If the employees who were eligible for clean loan in the year 1989 are not disturbed of this facility, certainly no notice is required. In the case in hand the change in rate of interest is being made with certain riders. It is submitted that the employees who came in service in 1991 or became eligible as such employees cannot raise the grievances. This contention appears to be true. Employees who joined the service of the Bank in the year 1991 can not claim the benefit of the clean loan at the rate of 4% p.a. They are to be governed by the terms and conditions of the service which were prevalent on the date of joining with the Bank. They cannot keep themselves at par with the employees who claimed the facility of clean loans at a concessional rate of 4% p.a. only under the scheme in the year 1989 since it is the existing right of workmen which is enforceable under I.D. Act. The rulings relied upon by the Bank in 1962 11 LLJ 136 Madras between Tamilnadu Electricity Workers Federation v/s Madras State Electricity Board and 1973 3 LLJ 427 SC between Hindustan Lever Ltd. vs. Ram Mohan Roy are not in any way helpful to the Bank.
13. On a plain reading of the terms of reference, it appears that the Central Govt. made the reference with a presumption that the rate of interest on clean loan has been enhanced to 16% and without issuing any notice under Section 9-A of the act. The Union Bank has the reservations about the terms of reference. I feel that it is clear to the parties as to what the actual dispute is. Even if, the terms of reference are not happily worded as they are being notified under certain presumptions, that does not make the reference to be bad or not maintainable.
14. The controversy to the tune of Industrial Dispute has arisen in view of the changes made by the Union Bank from time to time with respect to the rate of interest which was 4% p.a. in the staff circular No. 3440 dt. 17-5-1989. This circular was issued by the Union Bank in view of the understanding reached between the representative of the management and those of All India Union Bank Employees Association at the meeting held on 3rd/4th April 1989. The scheme for clean loan was modified to a final shape to be implemented w.e.f. 01-4-1989. The eligibility of the employees was detailed with categories of employees along with the categories of the

purposes of the loan and the limits of the amount of loan for each category. The repayment of the clean loan was to be made with a interest @ 4% with half yearly rest. This circular is very exhaustive. The demand of the Union is that this circular be accepted as final and there should be no change without following the procedure under Section 9-A of the Act. The Bank issued another staff circular on 2-2-1990 and raised the rate of interest to 7.5%. However, it was made clear that this revised guidelines will not apply to all employees who joined the Bank on or after 18-9-1989. Those employees who were already in service as on 17-9-1989 will have the option to be governed by the existing guidelines or the new set of guidelines. Thus, the bank asked the employees to opt as to which scheme was to be accepted for grant of loan. Thereafter, another staff circular No. 3709 was issued by the Union Bank of India on March 2nd, 1991 making reference to the aforesaid two staff circular and raising the rate of interest to 16% p.a. (compound) The eligibility of the employees, maximum limit of loan were also changed and the rate of interest was made at 16% p.a. In this circular too, the Bank clarified that the employees who will be joining the Bank or become eligible for loan on or after 1st April 1991 will be governed by this scheme only and the existing employees adversely affected by this scheme may be allowed to avail loan under the banks existing scheme. The reason for enhancement of the rate of interest has been explained by the Bank in the manner that this enhancement is being made under the directions/instructions received from the Govt. of India, Ministry of Finance vide letter No. F-14/-88/IR dt. 18-9-1989 and another letter No. 14/16/86-IR dt. 10-1-1991. Lastly, the Bank has issued another circular No. 4861 dt. 20-6-2002 wherein the facility of clean overdraft to staff members is being provided laying down in detail the grounds therein raising the limit of the loan and mentioning that the interest would be charged at PLR. This circular covered the facility of Clean, Over draft Loan in lieu of clean loan, personal loan, computer loan and earth quake relief loan/Flood loan. The staff members were given the option to repay the present outstanding under the above schemes viz. clean loans, personal loan, computer loan etc. and henceforth no fresh/personal/computer loan under the earlier schemes will be sanctioned.

15. Considering the matter as a whole I feel that the Union does not have any cause of grievances in view of the admission made by the bank in clear terms that the existing employees who were there in the year 1989 and availed the facility of clean loan under the circular No. 3440 would continue to avail the facility as such without any enhancement of rate of interest if they opt for that. The employees cannot claim that they would pay the rate of interest @ 4% p.a. but would claim the

other facilities of other kinds of loan including clean loan for a higher amount and for a higher period of repayment as provided in subsequent staff circular referred to above by the Bank. The Union has certainly a cause of grievance if the spirit of the staff circular No. 3440 is changed or modified in any manner. The consistent case of the bank is that they have not touched the employees covered under the aforesaid circular No. 3440 and they still continue to enjoy the facility of clean loan under the terms and conditions mentioned therein. The circulars issued by the bank from time to time raising the rate of interest does not give cause to the Union since none of its member who was the member as such in the year 1989 is going to be adversely affected. There is no change in the rate of interest for them. The facility of other kinds of loan, the repayment of which is to be paid in a higher period, has been floated by the bank for the welfare of the employees considering their needs of the day and the directions/ guidelines issued by Govt. of India, Ministry of Finance and Reserve Bank of India. It is however, clarified that Bank cannot change the spirit of staff circular No. 3440 without following due provisions of the Act.

16. In view of what has been discussed above, I conclude that the Union has no grievance which needs redressal under this reference by this tribunal. Hence, it is not entitled to any relief.
17. The reference is answered accordingly.

JUSTICE GHANSHYAM DASS, Presiding Officer

नई दिल्ली, 4 जनवरी, 2006

का. आ. 361.— औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार दूर संचार विभाग के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारियों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण नं. II, नई दिल्ली के पंचाट (संदर्भ संख्या 95/2000) को प्रकाशित करती है, जो केन्द्रीय सरकार को 04-01-2006 को प्राप्त हुआ था ।

[सं० एल-40012/282/2000-आई आर (डी यू)]

कुलदीप राय वर्मा, डेस्क अधिकारी

New Delhi, the 4th January, 2006

S.O. 361.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (95/2000) of the Central Government Industrial Tribunal/Labour Court No. II, New Delhi, now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Deptt. of Telecom and their workman, which was received by the Central Government on 04-01-2006.

[No. L- 40012/282/2000-IR(DU)]

KULDIP RAI VERMA, Desk Officer.

ANNEXURE**BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL CUM LABOUR COURT-II****NEW DELHI****Presiding Officer : R.N. RAI
I.D. No. 95/2000****In the Matter Of :—**Shri Ram Niwas,
S/o. Rattan Lal,
R/o. Mohalla Beldaran,
Rampur (UP),
Pin : 144901.**Versus**The Officer Incharge,
Telegraph Office,
Rampur (UP),
Pin : 244901.**AWARD**

The Ministry of Labour by its letter No. L-40012/282/2000/TR (DU) CENTRAL GOVERNMENT dt. 29-08-2000 has referred the following point for adjudication.

The points runs as hereunder :—

“whether the action of the management of Vibhagiya Tar Ghar merged with Telecom Department, Rampur in regard to terminating the services of Shri Ram Niwas, Part Time Sweeper w.e.f. 16-05-1999 is just, fair and legal? If not, to what relief the workman is entitled and from what date.”

The workman applicant has filed statement of claim. In the claim it has been stated that the workman was initially appointed as a Sweeper on part time basis on 07-03-1989 by the Opposite Party and was posted in the Telegraph Office at Rampur. The related letters are enclosed at Annexures “D” and “E” respectively.

That the workman continued to perform his duty with full devotion, dedication up to 15-05-1999 without any complaint either from the public or his superiors and colleagues. Thus the workman remained in service of Opposite Party for more than 10 years.

That it is unfortunate that the workman was not allowed to perform his duties after the aforesaid date without any notice and thus his termination from service was illegal and arbitrary.

That another unfortunate aspect is that a new hand employed in his place while workman was ousted from the department of Opposite Party. That the Opposite Party admitted during the proceedings before the ALC(C), Dehradun that the workman was initially appointed by Vibhagiya Tar Ghar, Rampur (UP) which was at that time independent and separate entity but later on came under the control of Telecom Divisional Manager, Rampur (UP).

That the workman comes within the purview of ID Act, 1947 and thus he is entitled for the claim as envisaged

under the Act viz. his reinstatement in service with all consequential benefits of pay and seniority etc. that in the whole process from the date of appointment of worker till he was terminated from service, he had neither committed any illegality nor irregularity.

That the opposite party did not give its consent for voluntary arbitration or joint reference although the workman agreed to it. The opposite party concealed the fact that the Government of India through their memo No. 269-13/99-STN-II dated 16-09-1999 approved the conversion of part time casual labour working for four hours or more regularized as full time casual labour. The copy of memo dated 16-09-1999 is placed at Annexure “G”.

That the workman worked with the opposite party for more than 10 years and thus he has lost his youth period to the organization. Unfortunately, the workman got bitter results in as much as that he was ousted from service without assigning any reason what to talk of giving any notice. The opposite party has committed an inhuman act by ousting the workman from service and totally ignored the fate of his dependence but was thrown at the brink of starvation.

In the aforesaid circumstances, the workman respectfully prays for his reinstatement in service from the date of his termination with all consequential benefits of pay, allowances and seniority etc. It is specifically prayed that the workman may kindly be ordered to be paid the emoluments which were not paid to him for the period he had with the opposite party.

Notice has been sent to the respondent/management on two dated i.e. 06-07-2005 and 30-09-2005. The management has turned up and sought adjournment on 31-01-2005, 24-03-2005, 22-05-2005 and 20-7-2005. Despite presence the management has failed to file any written statement. So the case has been heard ex-parte. Affidavit of the workman has been taken and argument was heard.

It was argued from the side of the workman that he was appointed as Sweeper on part time basis on 07-03-1989 and was posted in the Telegraph Office at Rampur (UP). He continued with his services and he continued till 15-05-1999 and the management discontinued him from services on 19-09-1999. It was argued that the workman did not commit any illegality or irregularity. According to the memo of Government of India dated 16-9-1999 the workers working for four hours or more than on part time basis has been regularized but the management has not taken up his case and the action of the management regarding termination of services is quite illegal and arbitrary. The management has not turned and no written statement has been filed. The workman applicant has worked for 10 years and his services were terminated on 15-05-1999 without paying any pay in lieu of notice or retrenchment compensation so he is entitled to be reinstated from 15-05-1999 along with continuity of service and full back wages.

The reference is replied thus :—

The action of the management of Vibhagiya Tar Ghar merged with Telecom Department, Rampur (UP) in regard

to terminating the services of Shri Ram Niwas, Part Time Sweeper w.e.f. 16-05-1999 is neither just, nor fair nor legal. The management/respondent is directed to reinstate the workman from the date of his termination i.e. 16-05-1999 along with continuity of service and full back wages.

Award is given accordingly.

Dated: 29-12-2005

R.N. RAI, Presiding Officer

श्रम और रोजगार मंत्रालय

नई दिल्ली, 4 जनवरी, 2006

का. आ. 362 .—(अ) उपदान संदाय अधिनियम, 1972 (1972 का 39) की धारा 7 की उप-धारा (7) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए तथा भारत सरकार के श्रम मंत्रालय की दिनांक 12 अप्रैल, 1999 की अधिसूचना सं. का.आ. 1252 का अधिक्रमण करते हुए, केंद्र सरकार एतद्वारा निम्नलिखित विनिर्दिष्ट अनुसूची के स्तंभ (2) में उल्लिखित अधिकारियों को उक्त अनुसूची के स्तंभ (3) में उनके सामने तत्स्थान प्रविष्टियों में विनिर्दिष्ट क्षेत्र / अधिकार क्षेत्र के लिए तथा ऐसी सभी स्थापनाओं के संबंध में, जिनके लिए उक्त अधिनियम की धारा 2 के खण्ड (क) के अधीन केंद्रीय सरकार समुचित सरकार है, अपीलीय प्राधिकारी के रूप में नियुक्त करती है।

अनुसूची

क्रम सं.	अधिकारी	अधिकार क्षेत्र
(1)	(2)	(3)
1.	क्षेत्रीय श्रम आयुक्त (केंद्रीय), अहमदाबाद	गुजरात राज्य, दादरा और नगर हवेली और दमन एवं दीव संघ शासित क्षेत्र
2.	क्षेत्रीय श्रम आयुक्त (केंद्रीय), अजमेर	राजस्थान राज्य
3.	क्षेत्रीय श्रम आयुक्त (केंद्रीय), आसनसोल	पश्चिम बंगाल राज्य में बर्दवान, बीरभूम, बांकुरा और पुरुलिया जिले
4.	क्षेत्रीय श्रम आयुक्त (केंद्रीय), बंगलौर	कर्नाटक राज्य
5.	क्षेत्रीय श्रम आयुक्त (केंद्रीय), भुवनेश्वर	उड़ीसा राज्य
6.	क्षेत्रीय श्रम आयुक्त (केंद्रीय), मुम्बई	(i) महाराष्ट्र राज्य-निम्नांकित जिलों को छोड़कर - नागपुर, भंडारा, अकोला, अमरावती, वर्धा, बुलढाना, जलगांव, चन्द्रपुर, गडचिरोली, नांदेड़, परभनी, यवतमाल, उस्मानाबाद, लातूर, वासिम हिंगोली और बीड, (ii) गोवा राज्य

(1)	(2)	(3)
7.	क्षेत्रीय श्रम आयुक्त (केंद्रीय), कोलकाता	पश्चिम बंगाल राज्य (बर्दवान, बीरभूम, बांकुरा और पुरुलिया जिलों को छोड़कर) सिक्किम और संघ शासित प्रदेश अंडमान निकोबार द्वीप समूह
8.	क्षेत्रीय श्रम आयुक्त (केंद्रीय), कोचीन	(i) केरल राज्य (ii) लक्षद्वीप संघ राज्य क्षेत्र (iii) पांडिचेरी संघ राज्य क्षेत्र में माहे
9.	क्षेत्रीय श्रम आयुक्त (केंद्रीय), चंडीगढ़	(i) हिमाचल प्रदेश राज्य (ii) हरियाणा राज्य (iii) पंजाब राज्य (iv) जम्मू और कश्मीर राज्य (v) चंडीगढ़ संघ राज्य क्षेत्र
10.	क्षेत्रीय श्रम आयुक्त (केंद्रीय), धनबाद	झारखण्ड राज्य के निम्नांकित जिले-धनबाद, बोकारो, हजारीबाग, कोडरमा, रांची, लोहरदगा, गुमला, सिमडेगा, चतरा, पूर्वी सिंहभूम, पश्चिमी सिंहभूम, गिरिडीह, देवघर, सरायकीला (खरसावा) और जामताड़ा
11.	क्षेत्रीय श्रम आयुक्त (केंद्रीय), गुवाहाटी	असम, नागालैंड, मेघालय, त्रिपुरा, मणिपुर, अरुणाचल, प्रदेश और मिजोरम राज्य
12.	क्षेत्रीय श्रम आयुक्त (केंद्रीय), हैदराबाद	आन्ध्र प्रदेश राज्य और पांडिचेरी संघ राज्य क्षेत्र में यनम का (केंद्रीय) क्षेत्र
13.	क्षेत्रीय श्रम आयुक्त (केंद्रीय), जबलपुर	मध्य प्रदेश राज्य
14.	क्षेत्रीय श्रम आयुक्त (केंद्रीय), कानपुर	उत्तर प्रदेश राज्य-निम्नांकित जिलों को छोड़कर सहारनपुर, बिजनौर, मेरठ, गाजियाबाद, बुलंदशहर, मुजफ्फरनगर, बरेली, मुरादाबाद, पीलीभीत, शाहजहांपुर, बदायूं, रामपुर, बागपत और गौतमबुद्धनगर
15.	क्षेत्रीय श्रम आयुक्त (केंद्रीय), देहरादून	उत्तरांचल राज्य और उत्तर प्रदेश राज्य के निम्नांकित जिले-सहारनपुर, बिजनौर, मेरठ, गाजियाबाद, बुलंदशहर, मुजफ्फरनगर, बरेली, मुरादाबाद, पीलीभीत, शाहजहांपुर, बदायूं, रामपुर, बागपत और गौतमबुद्धनगर
16.	क्षेत्रीय श्रम आयुक्त (केंद्रीय), चैन्नई	तमिलनाडु राज्य और पांडिचेरी संघ राज्य क्षेत्र (यनम और माहे को छोड़कर)

(1)	(2)	(3)	(1)	(2)	(3)
17.	क्षेत्रीय श्रम आयुक्त (केंद्रीय), नागपुर	महाराष्ट्र राज्य के निम्नांकित जिले—नागपुर, भंडारा, अकोला, अमरावती, वर्धा, बुलढाना, जलगांव, चन्द्रपुर, गडचिरोली, नांदेड, परभनी, यवतमाल, उस्मानाबाद, लातूर, बीड, हिंगोली और वासिम	3.	Regional Labour Commissioner (Central) Asansol.	The Districts of Burdwan, Birbhum, Bankura and Purulia in the State of West Bengal
18.	क्षेत्रीय श्रम आयुक्त (केंद्रीय), दिल्ली	राष्ट्रीय राजधानी क्षेत्र दिल्ली	4.	Regional Labour Commissioner (Central) Bangalore	The State of Karnataka
19.	क्षेत्रीय श्रम आयुक्त (केंद्रीय), पटना	बिहार राज्य और झारखण्ड राज्य के गढ़वा, पलामू, लातेहार, दुमका, गोड्डा, साहिबगंज तथा पाकुर जिले	5.	Regional Labour Commissioner (Central) Bhubaneswar	The State of Orissa
20.	क्षेत्रीय श्रम आयुक्त (केंद्रीय), रायपुर	छत्तीसगढ़ राज्य	6.	Regional Labour Commissioner (Central) Mumbai	(i) The State of Maharashtra excluding the following Districts:—Nagpur, Bhandara, Akola, Amravati, Wardha, Buldhana, Jalgaon, Chandrapur, Gadchiroli, Nanded, Parbhani, Ycetmal Osmanabad, Latur, Wasim, Hingoli and Bid. (ii) State of Goa.
21.	उप मुख्य श्रम आयुक्त (केंद्रीय), क्षेत्रीय श्रम आयुक्त (केंद्रीय), मुख्यालय, मुख्य श्रम आयुक्त (केंद्रीय) का कार्यालय नई दिल्ली	संपूर्ण भारत	7.	Regional Labour Commissioner (Central) Kolkatta	The State of West Bengal (excluding the District of Burdwan, Birbhum, Bankura and Purulia) Sikkam and the Union Territories of Andaman and Nicobar Islands.
22.	अन्य सभी उप मुख्य श्रम आयुक्त (केंद्रीय)	संपूर्ण भारत	8.	Regional Labour Commissioner (Central) Cochin	(i) The State of Kerala. (ii) Union Territory of Lakshdweep. (iii) Mahe in the Union Territory of Pondicherry

[सं. एस-42012/02/2005-एस.एस. II]

के.सी. जैन, निदेशक

MINISTRY OF LABOUR AND EMPLOYMENT

New Delhi, the 4th January, 2006

S.O. 362.— In exercise of the powers conferred by Sub-Section (7) of Section 7 of the Payment of Gratuity Act, 1972 (39 of 1972) and in supersession of the Notification of the Government of India in the Ministry of Labour No. S.O. 1252 dated 12th April 1999, the Central Government hereby specified the officers mentioned in the Column (2) of the Schedule specified here under to be Appellate Authority for the area/Jurisdiction as specified in column (3) of the said schedule in relation to all establishments for which the Central Government is the appropriate Government under clause (a) of Section 2 of the said act.

SCHEDULE

Sl. No.	Officers	Jurisdiction
(1)	(2)	(3)
1.	Regional Labour Commissioner (Central) Ahmedabad	The State of Gujarat and Union Territories of Dadra, Nagar Haveli, Daman and Diu.
2.	Regional Labour Commissioner (Central) Ajmer	The State of Rajasthan
3.	Regional Labour Commissioner (Central) Asansol.	The Districts of Burdwan, Birbhum, Bankura and Purulia in the State of West Bengal
4.	Regional Labour Commissioner (Central) Bangalore	The State of Karnataka
5.	Regional Labour Commissioner (Central) Bhubaneswar	The State of Orissa
6.	Regional Labour Commissioner (Central) Mumbai	(i) The State of Maharashtra excluding the following Districts:—Nagpur, Bhandara, Akola, Amravati, Wardha, Buldhana, Jalgaon, Chandrapur, Gadchiroli, Nanded, Parbhani, Ycetmal Osmanabad, Latur, Wasim, Hingoli and Bid. (ii) State of Goa.
7.	Regional Labour Commissioner (Central) Kolkatta	The State of West Bengal (excluding the District of Burdwan, Birbhum, Bankura and Purulia) Sikkam and the Union Territories of Andaman and Nicobar Islands.
8.	Regional Labour Commissioner (Central) Cochin	(i) The State of Kerala. (ii) Union Territory of Lakshdweep. (iii) Mahe in the Union Territory of Pondicherry
9.	Regional Labour Commissioner (Central) Chandigarh	(i) The State of Himachal Pradesh. (ii) The State of Haryana. (iii) The State of Punjab (iv) The State of Jammu and Kashmir. (v) The Union Territory of Chandhigarh.
10.	Regional Labour Commissioner (Central) Dhanbad	The following District of the State of Jharkhand, Dhanbad, Bokaro, Hazaribagh, Kodarma, Ranchi, Lohardaga, Gumla, Simdega, Chatra, East Singhbhum, West Singhbhum, Giridih, Deoghar, Sarai Keala (Kharsanwa) and Jamtara.
11.	Regional Labour Commissioner (Central) Guwahati	The State of Assam, Nagaland, Meghalaya, Tripura, Manipur, Arunachal Pradesh and Mizoram.

(1)	(2)	(3)
12. Regional Labour Commissioner (Central) Hyderabad.	The State of Andhra Pradesh, and the (Central), Area of Yanam in the Union Territory of Pondicherry.	
13. Regional Labour Commissioner (Central) Jabalpur.	The State of Madhya Pradesh	
14. Regional Labour Commissioner (Central) Kanpur.	The State of Uttar Pradesh excluding the Districts of Saharanpur, Bijnore, Meerut, Ghaziabad, Bulandshahar, Muzaffarnagar, Bareilly, Mordabad, Pilibhit, Shahjahanpur, Badaun, Rampur, Bagpat and Gautam Budh Nagar.	
15. Regional Labour Commissioner (Central) Dehradun.	The State of Uttaranchal and District of Shaharanpur, Bijnore, Meerut Ghaziabad, Buland-shahar, Muzaffarnagar, Bareilly, Moradabad, Pilibhit, Shahjahanpur, Badaun, Rampur, Bagpat and Gautam Budh Nagar of the State of Uttar Pradesh.	
16. Regional Labour Commissioner (Central) Chennai.	The State of Tamil Nadu and Union Territory of Pondicherry (except Yanam and Mahe).	
17. Regional Labour Commissioner (Central) Nagpur.	(i) The following Districts of the State of Maharashtra:- Nagpur, Bhandra, Akola, Amravati, Wardha, Buldhana, Jalgaon Chandrapur, Gadchiroli, Nanded, Parbhani, Yeotmal, Osmanabad, Latur, Bid, Hingoli and Wasim	
18. Regional Labour Commissioner (Central) New Delhi.	National Capital Territory of Delhi.	
19. Regional Labour Commissioner (Central) Patna.	The State of Bihar and the Districts Garwaha, Palamu, Latehar, Dumka, Godda, Sahibganj and Pakur in the State of Jharkhand.	
20. Regional Labour Commissioner (Central) Raipur.	The State of Chattisgarh	
21. Dy. Chief Labour Commissioners	Whole of India	

(1)	(2)	(3)
	(Central), Regional Labour Commissioners (Central), Headquarter, Office of Chief Labour Commissioner (Central), New Delhi.	
22. All other Dy. Chief Labour Commissioner (Central).	Whole of India	

[No. S-42012/02/2005-SS.II]

K. C. JAIN, Director

नई दिल्ली, 4 जनवरी, 2006

का. आ. 363.—(अ) उपदान संदाय अधिनियम, 1972 (1972 का 39) की धारा 3 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए तथा भारत सरकार के श्रम मंत्रालय की अधिसूचना संख्या का.आ. 903 दिनांक 17 मार्च, 1999 का अधिक्रमण करते हुए, केंद्रीय सरकार एतद्वारा निम्नलिखित विनिर्दिष्ट अनुसूची के स्तंभ (2) में उल्लिखित अधिकारियों को, उक्त अनुसूची के स्तंभ (3) में उनके सामने तत्स्थानी प्रविष्टियों में विनिर्दिष्ट क्षेत्र/अधिकार क्षेत्र के लिए तथा ऐसी सभी स्थापनाओं के संबंध में, जिनके लिए उक्त अधिनियम की धारा 2 के खण्ड (क) के अधीन केंद्रीय सरकार समुचित सरकार है, नियंत्रक प्राधिकारियों के रूप में नियुक्त करती है।

अनुसूची

क्रम सं.	अधिकारी	अधिकार क्षेत्र
(1)	(2)	(3)
1.	क्षेत्रीय श्रमायुक्त (केंद्रीय), जयपुर और सभी सहायक श्रमायुक्त (केंद्रीय), अजमेर क्षेत्र	राजस्थान राज्य,
2.	सभी सहायक श्रमायुक्त (केंद्रीय), आसनसोल क्षेत्र	पश्चिम बंगाल राज्य में बर्दवान, बीरभूम, बांकुरा और पुरुलिया के जिले
3.	सभी सहायक श्रमायुक्त (केंद्रीय), अहमदाबाद क्षेत्र	गुजरात राज्य, और दादरा, नागर हवेली और दमन एवं दीव संघ राज्य क्षेत्र
4.	क्षेत्रीय श्रमायुक्त (केंद्रीय), बेल्लारी और सभी सहायक श्रमायुक्त (केंद्रीय), बंगलौर क्षेत्र	कर्नाटक राज्य
5.	क्षेत्रीय श्रमायुक्त (केंद्रीय), राउरकेला और सभी सहायक श्रमायुक्त (केंद्रीय), भुवनेश्वर क्षेत्र	उड़ीसा राज्य

(1)	(2)	(3)
6.	क्षेत्रीय श्रमायुक्त (केंद्रीय), पुणे और सभी सहायक श्रमायुक्त (केंद्रीय), मुम्बई	(i) महाराष्ट्र राज्य, निम्नलिखित जिलों को छोड़कर - नागपुर, भंडारा, अकोला, अमरावती, वर्धा, बुलढाना, जलगांव, चन्द्रापुर, गढ़चिरोली, नांदेड, परभनी, यवतमाल, उस्मानाबाद, लातूर, वासिम हिंगोली और यीड, (ii) गोवा राज्य
7.	सभी सहायक श्रमायुक्त (केंद्रीय), नागपुर क्षेत्र	महाराष्ट्र राज्य के निम्नलिखित जिले-नागपुर, भंडारा, अकोला, अमरावती, वर्धा, बुलढाना, जलगांव, चन्द्रापुर, गढ़चिरोली, नांदेड, परभनी, यवतमाल, उस्मानाबाद, वासिम लातूर, हिंगोली और हिंगोली
8.	सभी सहायक श्रमायुक्त (केंद्रीय), कोलकाता क्षेत्र	पश्चिम बंगाल राज्य (वर्दवान, वीरभूम, बांकुरा और पुरुलिया सिविल जिलों को छोड़कर, सिक्किम राज्य और केन्द्र शासित क्षेत्र अंडमान तथा निकोबार द्वीप समूह
9.	सभी सहायक श्रमायुक्त (केंद्रीय), कोचीन क्षेत्र	(i) केरल राज्य (ii) लक्षद्वीप संघ शासित क्षेत्र (iii) संघ शासित क्षेत्र पांडिचेरी में माहे क्षेत्र
10.	क्षेत्रीय श्रमायुक्त (केंद्रीय), जम्मू सभी सहायक श्रमायुक्त (केंद्रीय), चंडीगढ़ क्षेत्र	(i) हिमाचल प्रदेश राज्य (ii) हरियाणा राज्य (iii) पंजाब राज्य (iv) जम्मू और कश्मीर राज्य (v) संघ शासित क्षेत्र चंडीगढ़
11.	क्षेत्रीय श्रमायुक्त (केंद्रीय), रांची और सभी सहायक श्रमायुक्त (केंद्रीय), धनबाद क्षेत्र	झारखण्ड राज्य के निम्नलिखित जिले-धनबाद, हजारीबाग, रांची, गुमला, कोडरमा, लोहारदेगा, छतरा, सिमदेगा, बोकारो पूर्वी सिंधभूम, पश्चिमी सिंधभूम, गिरिडीह, देवघर, सरायकेला (खरस्वान) और जामतारा
12.	सभी सहायक श्रमायुक्त (केंद्रीय), गुवाहाटी क्षेत्र	असम, नागालैंड, मेघालय, त्रिपुरा, मणिपुर, अरुणाचल,

(1)	(2)	(3)
		प्रदेश और मिजोरम राज्य
13.	सभी सहायक श्रमायुक्त (केंद्रीय), हैदराबाद क्षेत्र	आन्ध्र प्रदेश राज्य और संघ शासित क्षेत्र पांडिचेरी में यनम क्षेत्र
14.	क्षेत्रीय श्रमायुक्त (केंद्रीय), भोपाल और सभी सहायक श्रमायुक्त (केंद्रीय), जबलपुर क्षेत्र	मध्य प्रदेश राज्य
15.	सभी सहायक श्रमायुक्त (केंद्रीय), रायपुर क्षेत्र	छत्तीसगढ़ राज्य
16.	क्षेत्रीय श्रमायुक्त (केंद्रीय), लखनऊ और सभी सहायक श्रमायुक्त (केंद्रीय), कानपुर क्षेत्र	उत्तर प्रदेश राज्य-निम्नलिखित जिलों को छोड़कर — सहारनपुर, बिजनौर, मेरठ, गाजियाबाद, बुलंदशहर, मुजफ्फरनगर, बरेली, मुरादाबाद, पीलीभीत, शाहजहांपुर, बदायूं, रामपुर, बागपत और गौतमबुद्धनगर
17.	सभी सहायक श्रमायुक्त (केंद्रीय), चैन्नई क्षेत्र	तमिऴनाडु राज्य और पांडिचेरी संघ शासित क्षेत्र (यनम और माहे के अलावा)
18.	सभी सहायक श्रमायुक्त (केंद्रीय), नई दिल्ली क्षेत्र	राष्ट्रीय राजधानी क्षेत्र दिल्ली
19.	सभी सहायक श्रमायुक्त (केंद्रीय), पटना क्षेत्र	बिहार राज्य और झारखण्ड राज्य के गढ़वा, पलामू, लातेहर, दुमका, गोड्डा, साहिबगंज तथा पाकुर जिले
20.	सभी सहायक श्रमायुक्त (केंद्रीय), देहरादून क्षेत्र	उत्तरांचल राज्य और उत्तर प्रदेश राज्य के सहारनपुर, बिजनौर, मेरठ, गाजियाबाद, बुलंदशहर, मुजफ्फरनगर, बरेली, मुरादाबाद, पीलीभीत, शाहजहांपुर, बदायूं, रामपुर, बागपत और गौतमबुद्धनगर सिविल जिले
21.	सभी सहायक श्रमायुक्त (केंद्रीय), मुख्यालय, मुख्य श्रम आयुक्त का कार्यालय (केंद्रीय) नई दिल्ली	संपूर्ण भारत

[सं. एस-42012/02/2005-एस एस-II]

के. सी. जैन, निदेशक

New Delhi, the 4th January, 2006

S.O.363 —In exercise of the powers conferred by Section 3 of the Payment of Gratuity Act, 1972 (39 of 1972) and in supersession of the Notification of the Government of India in the Ministry of Labour No. S.O 903 dated 17th March, 1999. Central Government hereby

appoints the officers mentioned in Column (2) of the Schedule specified hereunder to be the Controlling Authorities for the area/Jurisdiction as specified in column (3) of the said schedule in relation to all establishments for which the Central Government is the appropriate Government under clause (a) of Section 2 of the said Act.

SCHEDULE

Sl. No.	Officers	Jurisdiction
(1)	(2)	(3)
1.	Regional Labour Commissioner (Central) Jaipur and all Assistant Labour Commissioners (Central) in Ajmer Regions.	The State of Rajasthan.
2.	All Assistant Labour Commissioners (Central) in Asansol Region.	The Districts of Burdwan, Birbhum, Bankura and Purulia in the State of West Bengal.
3.	All Assistant Labour Commissioners (Central) Ahmedabad Regions.	The State of Gujarat and Union Territories of Dadra, Nagar Haveli, Daman and Diu.
4.	Regional Labour Commissioner (Central) Bellary and All Assistant Labour Commissioners (Central) in Bangalore Regions.	The State of Karnataka.
5.	Regional Labour Commissioner (Central) Rourkela All Assistant Labour Commissioners (Central) in Bhubaneswar Regions.	The State of Orissa.
6.	Regional Labour Commissioner (Central) Pune and All Assistant Labour Commissioners (Central) in Mumbai Regions.	(i) The State of Maharashtra excluding the following Districts:—Nagpur, Bhandara, Akola, Amravati, Wardha, Buldhana, Jalgaon, Chandrapur, Gadchiroli, Nanded, Parbhani, Yeotmal, Osmanabad, Latur, Wasim, Hingoli and Bid. (ii) State of Goa.
7.	All Assistant Labour Commissioners (Central) in Nagpur Region.	The following Districts of the State of Maharashtra :—Nagpur, Bhandara, Akola, Amravati, Wardha, Buldhana, Jalgaon, Chandrapur, Gadchiroli, Nanded, Parbhani, Yeotmal, Osmanabad, Wasim, Latur, Bid and Hingoli.

(1)	(2)	(3)
8.	All Assistant Labour Commissioners (Central) in Kolkata Region.	The State of West Bengal (excluding the Civil Districts of Burdwan, Birbhum, Bankura and Purulia), The State of Sikkim and the Union Territories of Aandaman and Nicobar Islands.
9.	All Assistant Labour Commissioners (Central) in Cochin Region.	(i) The State of Kerala. (ii) Union Territory of Lakshadweep. (iii) Mahe in the Union Territory of Pondicherry.
10.	Regional Labour Commissioner (Central) Jammu. All Assistant Labour Commissioners (Central) in Chandigarh Region.	(i) The State of Himachal Pradesh. (ii) The State of Haryana. (iii) The State of Punjab (iv) The State of Jammu and Kashmir. (v) The Union Territory of Chandigarh.
11.	Regional Labour Commissioner (Central) Ranchi and All Assistant Labour Commissioners (Central) in Dhanbad Region.	The following Districts of State of Jharkhand, Dhanbad, Hazaribagh, Ranchi, Gunila, Kodarma, Lohardaga Chatra, Simdega, Bokaro, East Singhbhum, West Singhbhum, Giridhi, Deoghar, Sarai Kela (Kharswan) and Jamtara.
12.	All Assistant Labour Commissioners (Central) in Guwahati Region.	The State of Assam, Nagaland, Meghalaya, Tripura, Manipur, Arunachal Pradesh and Mizoram.
13.	All Assistant Labour Commissioner (Central) in Hyderabad Region.	The State of Andhra Pradesh and the area of Yanam in Union Territory of Pondicherry.
14.	Regional Labour Commissioner (Central), Bhopal and All Assistant Labour Commissioners (Central) in Jabalpur Region.	The State of Madhya Pradesh.
15.	All Assistant Labour Commissioners (Central) in Raipur Region.	The State of Chattisgarh.
16.	Regional Labour Commissioner (Central) Lucknow and All Assistant Labour Commissioners (Central) in Kanpur Region.	The State of Uttar Pradesh excluding the Districts Saharanpur, Bijnore, Meerut, Ghaziabad, Bulandshahr, Muzaffarnagar, Barilly, Moradabad, Pilibhit, Shahjahanpur, Badaun, Rampur, Bagpat and Gautam Budh Nagar.

(1)	(2)	(3)
17.	All Assistant Labour Commissioners (Central) in Chennai Region.	The State of Tamil Nadu and the Union Territory of Pondicherry (except Yanam & Mahe).
18.	All Assistant Labour Commissioners (Central) in New Delhi Region.	National Capital Territory of Delhi.
19.	All Assistant Labour Commissioners (Central) in Patna Region.	The State of Bihar and the Districts of Garwah, Palamu, Latehar, Dumka, Godda, Sahibganj and Pakur in the State of Jharkhand.
20.	All Assistant Labour Commissioner (Central) in Dehradun Region.	State of Uttaranchal and Civil Districts of Saharanpur, Bijnore, Meerut, Ghaziabad, Bulandshahar, Muzaffarnagar, Bareilly, Moradabad, Pilibhit, Shahajahanpur, Badaun, Rampur, Bagpat and Gautam Budh Nagar of the State of Uttar Pradesh.
21.	All Assistant Labour Commissioners (Central) Headquarter, Office of Chief Labour Commissioner (Central) New Delhi.	Whole of India

[No. S-42012/02/2005-SS-II]

K. C. JAIN, Director

नई दिल्ली, 5 जनवरी, 2006

का. आ. 364. — औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एन. ई. रेलवे के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, कानपुर के पंचाट (संदर्भ संख्या आई डी-43/2003) को प्रकाशित करती है, जो केन्द्रीय सरकार को 5-1-2006 को प्राप्त हुआ था।

[सं. एल-41012/24/2003-आई. आर. (बी-1)]

अजय कुमार, डेस्क अधिकारी

New Delhi, the 5th January, 2006

S.O. 364. — In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (ID-43/2003) of the Central Government Industrial Tribunal/Labour Court, Kanpur now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of N.E. Railway and their workman, which was received by the Central Government on 5-1-2006.

[No. L-41012/24/2003-IR (B-I)]

AJAY KUMAR, Desk Officer.

ANNEXURE

**BEFORE SHRI SURESH CHANDRA
PRESIDING OFFICER CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT,
SARVODAYA NAGAR, KANPUR, U.P.**

INDUSTRIAL DISPUTE NO. 43 OF 2003

In the matter of dispute between :

Sri Kedar
C/o P.N. Srivastava,
68-B, Kakomi Bungalow,
Kanpur

And

The Dy. Chief Engineer (Const)
North Eastern Railway,
DRM Office, Lucknow

AWARD

1. Central Government Ministry of Labour vide notification No. L-41012/24/2003 IR (B-I) dated 27-11-2003 has referred the following dispute for adjudication to this Tribunal :

“Whether the action of the management of NE Railway in terminating the services of Sri Kedar son of Sri Yadunandan w.e.f. 16-4-82 is legal and justified ? If not to what relief he is entitled for ?”

2. It is needless to mention full details of the case as after exchange of pleadings between the parties, the concern workman involved in the instant case stopped putting his appearance before the tribunal in the proceedings of the case despite availing of repeated opportunities provided to him by the tribunal for adducing his evidence in support of his case. In view of above the tribunal is inclined to believe that the concern workman is not interested in prosecuting his case before the tribunal.

3. It is therefore held that the workman is not entitled for any relief as claimed by him for want of proof and evidence pursuant to the present reference made to this tribunal.

4. Reference is answered accordingly.

SURESH CHANDRA, Presiding Officer

नई दिल्ली, 5 जनवरी, 2006

का. आ. 365. — औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एन. ई. रेलवे के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, कानपुर के पंचाट (संदर्भ संख्या आई डी-39/2003) को प्रकाशित करती है, जो केन्द्रीय सरकार को 5-1-2006 को प्राप्त हुआ था।

[सं. एल-41012/99/2003-आई. आर. (बी-1)]

अजय कुमार, डेस्क अधिकारी

New Delhi, the 5th January, 2006

S.O. 365. — In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (ID-39/2003) of the Central Government Industrial Tribunal /Labour Court, Kanpur now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of N.E. Railway and their workman, which was received by the Central Government on 5-1-2006.

[No. L-41012/99/2003-IR (B-I)]

AJAY KUMAR, Desk Officer

ANNEXURE

**BEFORE SHRI SURESH CHANDRA
PRESIDING OFFICER CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT,
SARVODAYA NAGAR, KANPUR, U.P.
INDUSTRIAL DISPUTE NO. 39 OF 2003**

In the matter of dispute between :

Sri Vishwakarma Sharma
Son of Sh. Madho Sharma,
Wasaratpur Ramjanki Nagar,
Paschim Post, Wasaratnagar,
District Gorakhpur

And

The General Manager,
N. E. Railway, Gorakhpur

AWARD

1. Central Government Ministry of Labour, New Delhi vide its notification No. L-41012/99/2003 IR (B-I) dated 21-11-03 has referred the following dispute for adjudication to this Tribunal :—

“Whether the action of the management of NE Railway Gorakhpur in terminating the services of Sri Vishwakarma Sharma w.e.f. 16-8-84 is legal and justified ? If not to what relief workmen is entitled for ?”

2. It is needless to give full particulars of the case as after exchange of pleadings between the parties concern workman stopped attending the proceedings of the case despite availing of sufficient opportunities provided by the tribunal for adducing evidence on his behalf. It therefore appears that the workman is not interested in prosecuting his case before the tribunal. Therefore the tribunal is left with no other option but to hold that the workman is not entitled for any relief whatsoever pursuant to the present reference order for want of evidence.

3. Reference is therefore answered against the workman and in favour of the Railway Management.

SURESH CHANDRA, Presiding Officer

नई दिल्ली, 6 जनवरी, 2006

का. आ. 366.— औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार स्टेट बैंक ऑफ पटियाला के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, सं. I, चंडीगढ़ के पंचाट (संदर्भ संख्या आई डी-341/2001) को प्रकाशित करती है, जो केन्द्रीय सरकार को 6-1-2006 को प्राप्त हुआ था।

[सं० एल-12012/340/2001-आई. आर. (बी-1)]

अजय कुमार, डेस्क अधिकारी

New Delhi, the 6th January, 2006

S.O. 366.— In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (ID-341/2001) of the Central Government Industrial Tribunal /Labour Court, No. I, Chandigarh now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of State Bank of Patiala and their workman, which was received by the Central Government on 6-1-2006.

[No. L-12012/340/2001-IR (B-I)]

AJAY KUMAR, Desk Officer

ANNEXURE

**CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL-CUM-LABOUR COURT-I,
CHANDIGARH**

CASE NO. LD. 341/2001

Shri Mohinder Singh,
C/o Shri Tek Chand Sharma,
25, Sant Nagar, Civil Lines,
Ludhiana-141008

.....Applicant

Versus

The Asistant General Manager-I,
State Bank of Patiala,
G.T. Road, Jalandhar Bye Pass
Ludhiana

.....Respondent

APPEARANCES:

For the workman : Shri T.C. Sharma
For the management : Sh. N.K. Zakhmi

AWARD**Passed on 9/12/2005**

1. Central Government vide No. L-12012/340/2001-IR (B-I) dated 18-12-2001 has referred the following dispute to this Tribunal for adjudication :

“Whether the action of the management of State Bank of Patiala in terminating the services of Shri Mohinder Singh is justified ? If not what relief the applicant is entitled to ?”

2. Counsel for the workman Shri T.C. Sharma stated that workman is not contacting him and he has also no address of the workman and it appear that workman is gainfully employed somewhere and the reference may be return for want of prosecution as workman is not contacting him. The Ld. counsel for the management has also no objection to the return of the reference. In view of the statement of the representative of the workman, as workman is not contacting him and he has no address of the workman, the present reference is returned to the Central Government for want of prosecution. Central Government be informed. File be consigned to record.

Chandigarh

Dated 9-12-2005

RAJESH KUMAR, Presiding Officer

नई दिल्ली, 6 जनवरी, 2006

का. आ. 367.— औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार स्टेट बैंक ऑफ इंडिया के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, चेन्नई के पंचाट (संदर्भ संख्या आई डी-410/2004) को प्रकाशित करती है, जो केन्द्रीय सरकार को 06-01-2006 को प्राप्त हुआ था।

[सं० एल-12012/118/2004-आई. आर. (बी-1)]

अजय कुमार, डेस्क अधिकारी

New Delhi, the 6th January, 2006

S.O. 367. — In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (ID-410/2004) of the Central Government Industrial Tribunal/Labour Court, Chennai now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of State Bank of India and their workman, which was received by the Central Government on 06-01-2006.

[No. L-12012/118/2004-IR (B-I)]

AJAY KUMAR, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, CHENNAI

Tuesday, the 29th November, 2005

PRESENT : K. JAYARAMAN,
Presiding Officer

Industrial Dispute No. 410/2004

(In the matter of the dispute for adjudication under clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), between the Management of State Bank of India and their workmen).

BETWEEN

Sri Jacob P. Sundar : I Party/Petitioner

AND

The Deputy Manager,
State Bank of India,
Z.O. Madurai : II Party/Management

APPEARANCES:

For the Petitioner : M/s Balan Haridoss &
R. Kamatchi Sundaresan,
Advocates

For the Management : Mr. V.R. Gopalaratnam,
Advocate

AWARD

1. Central Government Ministry of Labour vide order No. L-12012/118/2004-IR (B-I) dated 20-08-2004 has referred this Industrial Dispute to this Tribunal for adjudication. The Schedule mentioned in that order is :

"Whether the punishment imposed upon Shri Jacob P. Sundar by the management of State Bank of India, Madurai of removal from service is legal and justified? If not, to what relief the workman is entitled?"

2. After the receipt of the reference, it was taken on file as I.D. No. 410/2004 and notices were issued to both the parties and both the parties entered appearance through their advocates and filed their Claim Statement and Counter Statement respectively.

3. The allegations of the Petitioner in the Claim Statement are briefly as follows :

The Petitioner joined the services of the Respondent/Bank as clerk pm 11/3/89 and was working in Tuticorin Bazaar branch during August, 1983 and he was promoted as Senior Assistant in the same branch. While so, the Respondent/Bank issued show cause notice dated 1-12-2000 in respect of certain alleged incident when the Petitioner worked in Tuticorin Bazaar branch. The crux of the allegations are that the Petitioner has clandestinely retained certain unused cheque leaves in respect of a closed account pertaining to a customer namely Smt. T. Seeniammal and he connived with one Mr. M. Paramasivam by opening a S.B. Account and enabled him voluminous transactions. He has also issued the said cheques to discharge his loan. Thus, he was unauthorisedly using the said cheque leaves knowing fully well that it belonged to some other person. For this, the Petitioner has given a detailed explanation. But, even after that the Respondent issued charge memo dated 3-1-2001 containing six charges. The first charge is that the Petitioner with ulterior motive in order to utilise the cheque leaves given by Smt. T. Seeniammal for his personal benefits without accounting for them properly. The second charge is that he connived with Sri M. Paramasivam by opening S.B. Account No. CH/626 and current account No. 2142 under his introduction and the said Sri M. Paramasivam issued the cheque leaves surrendered by Smt. T. Seeniammal and surreptitiously removed by the Petitioner. The third charge is that on 12-5-2000, the Petitioner handed over the Branch Manager the four cheque leaves bearing Nos. 521965, 521964, 521962, 521958 along with letter purportedly signed by Sri M. Paramasivam and further seven leaves bearing Nos. 521954, 521955, 521870, 521973, 521952, 521953 and 521956 directly by him which shows his involvement in the fraudulent usage of the cheques relating to the closed account of Smt. T. Seeniammal. The fourth charge is that he on 26-3-2000 with an ulterior motive issued a cheque bearing No. 521974 favouring Sri S. Kanagaraj for Rs. 1.00 lakh which cheque leaf was again related to S.B. account No. Ch3/358 of Smt. T. Seeniammal. The fifth charge is that he carried out transaction in his S.B. account No. 906 maintained at Tuticorin branch for some other specific purpose and from the transaction made in that account he had engaged in trade/business outside the scope of his duties in the Respondent/Bank without the knowledge of the bank. The sixth charge is that the Petitioner has deliberately without altering the name of the branch and with ulterior motive issued a cheque bearing No. 951129 dt. 3-11-2000 for Rs. 56,500 drawn on current account No. P 906 maintained at Tuticorin branch to Sri P.S.K. Murugan which was returned by Tuticorin Bazaar branch knowing fully well that the said current account at Tuticorin Bazaar branch has already been closed and transferred to Tuticorin branch and by this he has acted prejudicial to the

interest of the bank and it would amount to gross misconduct. For this, the Petitioner has submitted his explanation but not satisfying with his explanation, the Respondent/Bank ordered domestic enquiry against the Petitioner. The Respondent has examined three witnesses in the enquiry and on the side of the Petitioner three witnesses were examined. Though none of the charges alleged the Petitioner were proved, the Enquiry officer by his cryptic enquiry report, without any semblance of evidence, held that Charge Nos. 1, 3, 5 and 6 were proved and Charges 2 and 4 were partially proved. The findings of the Enquiry Officer is contrary to evidence on record and the Disciplinary Authority after following the procedure has passed an order in a mechanical manner and with a predetermined mind imposed the punishment of removal from service. Though six charges have been levelled against the Petitioner, none of the charges were proved in the enquiry, but without any basis and without any legal evidence, after conducting a farce of enquiry, the Respondent imposed the extreme punishment of removal from service. When there is no evidence, the Enquiry Officer has held that charges have been proved in a most perverse manner. Further, when there is no evidence that the Petitioner has surreptitiously removed the cheque leaves and the Enquiry officer has held that charges against the Petitioner have been proved. Further, the Assistant General Manager and Branch Manager have asked the Petitioner to get the removed cheque leaves from Sri M. Paramasivam and it is false to contend that the Petitioner has produced the alleged missing Cheques. When the Petitioner has stated that Mr. Kanagaraj was not known to him and he never issued any cheques to him, the Enquiry Officer has curiously come to the conclusion that the Petitioner has not examined the said Kanagaraj on his side. Therefore, the Enquiry Officer without looking into any evidence has come to the perverse Finding contrary to evidence on record without any legal evidence and in an arbitrary manner. The Disciplinary Authority also without considering any of the objections raised by the Petitioner has imposed the capital punishment of removal from service by his order dated 4-12-20002. The Appellate Authority also has confirmed the order of Disciplinary Authority after giving a farce of personal hearing by an order dated 28-3-2003. Further, the Respondent has not considered the unblemished past record of the Petitioner. Even though the alleged incident happened during 1999, the Respondent took their own to conclude the proceedings after four years while knowing fully well that the Petitioner has completed pensionable service of 25 years in another three months with a sole intention and in a preconceived manner, the Respondent had imposed the punishment of removal from service in December, 2002. This will prove the malafide of Respondent/Management. Hence, for all these reasons, the Petitioner prays that this Tribunal to pass an award directing the Respondent/Management to reinstate him into service with full back wages, continuity of service and other attendant benefits with costs.

4. As against this, the Respondent in its Counter Statement alleged that all the allegations made by the Petitioner are false. The domestic enquiry has been

conducted in a fair and proper manner after following principles of natural justice. The Enquiry Officer on the basis of evidence available on record and after analysing them had arrived at and given the finding to the effect charges 1, 3, 5 and 6 were proved and charges 2 and 4 were proved partly. Since the Petitioner has not questioned the fairness of enquiry or conduct of enquiry, it is just and proper for the Tribunal not to interfere either with the findings or with the Punishment imposed by the Disciplinary Authority and confirmed by the Appellate Authority. The charges levelled against the Petitioner are serious in nature and therefore, the Petitioner does not deserve any sympathy. The Disciplinary Authority and Appellate Authority after considering the representations made by the Petitioner had passed the orders. Since the Petitioner herein was holding the post of trust where honesty and integrity are inbuilt requirements of functioning and he was required to discharge his duties with utmost integrity, honesty, devotion and diligence and since the Petitioner has not conducted himself in the manner mentioned above, the punishment imposed cannot be considered grossly disproportionate to the charges levelled against the Petitioner. Hence, for all these reasons, the Respondent prays that the claim may be dismissed with costs.

5. In such circumstances, the points for may determination are:—

- (i) “Whether the punishment imposed on the Petitioner by the Respondent/Bank of removal from service is legal and justified ?
- (ii) To what relief the Petitioner is entitled ?

Points No. 1 :—

6. In this case, the Petitioner has raised this dispute questioning the punishment imposed against him for the removal from service. The allegation of the Petitioner is that while he was working as a clerk in the Respondent/Bank branch at Tuticorin Bazaar branch, it was alleged that he has clandestinely retained certain unused cheque leaves in respect of closed account pertaining to Smt. T. Seeniammal and secondly, he was engaged in commercial business and thirdly, he was connived with one Sri M. Paramasivam by opening a saving bank account and enabled voluminous transactions and he was a business partner for the said Sri M. Paramasivam and it was alleged that he has retain the cheque leaves belonging to Smt. T. Seeniammal for repaying the loan to third parties and he has borrowed money from Kanagaraj and he also used the cheque leaves belonging to Smt. T. Seeniammal for repaying to Mr. Kanagaraj. Further, it was alleged that he used the cheques pertaining to Tuticorin Bazaar branch knowing fully well that the account was closed. Thus, six charges were framed against him and Enquiry Officer has come to the conclusion that four charges out of six were fully proved and two charges were partly proved, without going into the legal evidence in a perverse manner and contrary to evidence he has given the report. It is further alleged by the Petitioner that Disciplinary Authority

without considering any of the objections raised by the Petitioner has imposed the capital punishment of removal from service by an order dated 4-12-2002 and it was also his contention that the Appellate Authority also confirmed the order of Disciplinary Authority without applying his mind.

7. In this case, both sides have not adduced any oral evidence and the Petitioner has not questioned the conduct of enquiry or fairness of the enquiry and both sides have marked documents and they argued the matter. On the side of the Petitioner 15 documents were marked. The Petitioner marked the copy of the show cause notice issued by Respondent as Ex. W1 and his reply to show cause notice as Ex. W2. Xerox copy of the charge memo issued by Respondent is marked as Ex. W3 and he has filed copy of correction to charge memo as Ex. W4. Xerox copy of the explanation to the charge memo is marked as Ex. W5. Xerox copy of the enquiry proceedings is marked as Ex. W6. Xerox copy of the statement of Presenting Officer to Enquiry Officer is marked as Ex. W7. Xerox copy of the defence submission to Enquiry Officer is marked as Ex. W8. Xerox copy of the letter enclosing enquiry report is marked as Ex. W9 and Xerox copy of the defence comments on enquiry report is marked as Ex. W10. Xerox copy of the 2nd Shaw cause notice issued by Respondent is marked as Ex. W11. Xerox copy of the order imposing punishment of removal by the Disciplinary Authority is Ex. W12. Xerox copy of the appeal against the order of Disciplinary Authority is marked as Ex. W13. Xerox copy of the exhibits in enquiry proceedings were marked as Ex. W14 and W15. On the side of Respondent copy of the order of Appellate Authority is marked as Ex. M1. With these documents, it has to be seen whether the Petitioner has established his contention that Enquiry Officer, in a pre-determined way has come to the perverse finding and whether the Disciplinary Authority and Appellate Authority has imposed the punishment without applying his mind.

8. Learned counsel for the Petitioner contended that the first charge framed against the Petitioner is that on 26-5-1999 Smt. T. Seeniammal, account holder of CH3/358 known to the Petitioner has handed over to him along with relevant pass book and 24 unused cheque leaves bearing Nos. 521952 to 521975 through Sri Inbaraj and Sri Subhaidr, S/o Smt. T. Seeniammal and the Petitioner with an ulterior motive, in order to utilise the cheque leaves for his personal benefits, retained the unused cheque leaves without accounting for them properly. On the side of the Respondent/Management three witnesses were examined. The first witness namely the Accountant Mr. Karmegaraj who alleged to have received the letter from Smt. T. Seeniammal with unused cheque leaves. The second witness namely Branch Manager Mr. Gnana Mohan Ross, and third witness is Mrs. R. Kamala, who is S.B. account clerk. Out of these three persons, the first witness who alleged to have received the unused cheque leaves and letter from Smt. T. Seeniammal, has stated that he did not remember anything except that they were handed over to him by a small boy. The second witness who was examined on the side of the Respondent namely the Branch

Manager cannot be spoken anything about the letter of Smt. T. Seeniammal or handing over unused of unused cheque leaves to the Petitioner. Only the third witness who was examined on the side of the Respondent has stated that after she was receiving the letter and unused cheque leaves, she has entered the same into account and she searched the register for recording the unused cheque leaves and since she could not find the same and she entrusted the remaining job to the Petitioner. She has not stated that she has given the unused cheque leaves to the Petitioner. With this evidence, the Enquiry Officer has come to the conclusion relying on the evidence of third witness that unused cheque leaves were given to the Petitioner. But on the other hand, it is clearly established by the Petitioner before the domestic enquiry that after handing over the letter and unused cheque leaves, it need not be recorded in any one of the registers and unused cheque leaves are required to be destroyed by the concerned clerk and only on a separate charge has been framed against her, she has given the false evidence before the domestic enquiry that she has handed over the same to the Petitioner. But, she has not clearly stated that she has handed over the unused cheque leaves to the Petitioner. Under such circumstances, the findings of the Enquiry Officer is perverse and without any legal evidence, the Enquiry Officer has come to the conclusion that charges have been proved and for deciding this, he has stated that this charge should be analysed with other charges framed against the Petitioner and he has stated that one Sri M. Paramasivam was introduced to the bank by the Petitioner and though the said Sri M. Paramasivam was examined on the side of the Petitioner, his statement of inadvertently taking the cheque book from the Accountant table cannot be given any credence. Under such circumstances, the charge framed against the Petitioner has been proved. But, when there is no clear evidence and when the eye witnesses have not given any direct evidence that the unused cheque leaves were given to the Petitioner, it cannot be said that the charge framed against him has been proved. Further, unused cheque leaves were produced by Sri M. Paramasivam with a letter to the Branch Manager. The Branch Manager has refused to receive and refused to see the said Sri M. Paramasivam and therefore, Sri M. Paramasivam who was known to the Petitioner has given the letter along with unused cheque leaves. Under such circumstances, when the direct evidence is there to show that unused cheque leaves were taken away by the said Sri M. Paramasivam, with a pre-determined mind the Enquiry Officer has come to the conclusion that the Petitioner has taken the unused cheque leaves with an ulterior motive which is perverse, contrary to evidence on record and the findings are arbitrary. On the other hand, learned counsel for the Respondent contended that the reason given by the Enquiry Officer is proper and under such circumstances, it cannot be concluded that the findings of the Enquiry Officer is perverse.

9. But I find much force in the contention of the learned counsel for the Petitioner because when DW3 Sri M. Paramasivam has clearly stated that he has taken the

loose cheques from the table of Accountant and when he has produced the cheques through the Petitioner with a letter and said loose cheques and it was refused to receive by the Manager, it cannot be said that his evidence should not be believed in the enquiry. Further, when the Enquiry Officer has relied on the evidence of management witness No. 3 namely one Smt. Kamala, he has not stated any reason for rejecting the evidence given by DW3 namely Sri M. Paramasivam. Further, in the enquiry, there is no direct or circumstantial evidence to prove that unused cheque leaves bearing Nos. 521952 to 521975 were given to Petitioner either by son of Smt. T. Seeniammal or by officials of Respondent/Bank. Under such circumstances, I find the findings given by the the Enquiry Officer and the punishment imposed by the Disciplinary Authority relying on the findings given by the Enquiry Officer and also the order of Appellate Authority are perverse.

10. Learned counsel for the Petitioner contended that the second charge framed against the Petitioner is that he has connived with Sri M. Paramasivam by opening a Savings Bank Account No. CH/626 and Current Account No. 2142 under his introduction and the said account holder Sri M. Paramasivam has issued Cheque No. 521967 on one of the cheque leaves surrendered by Smt. T. Seeniammal and surreptitiously removed by the Petitioner. Learned counsel for the Petitioner contended that here again when the Respondent/Bank has not proved that the Petitioner has surreptitiously removed the unused cheque leaves of Smt. T. Seeniammal, it cannot be said that there was connivance between Sri M. Paramasivam and the Petitioner. No doubt, Sri M. Paramasivam opened an account in the Respondent/Bank on the introduction of the Petitioner, but on that ground, no one can say that with the connivance of Sri M. Paramasivam, the Petitioner has opened the account and there is no direct or circumstantial evidence to the contention of connivance between the Petitioner and Sri M. Paramasivam and hence, it cannot be said that the second charge has been proved by the Respondent/Bank. Further, it is established before the enquiry that Sri M. Paramasivam has got number of dealings with the Respondent/Bank and he was also given overdraft facility in the bank. Under such circumstances, it cannot be said that Sri M. Paramasivam has opened the account with the connivance of the Petitioner to use the unused cheque leaves belonging to Smt. T. Seeniammal. Therefore, learned counsel for the Petitioner contended that this charge also was not proved before the enquiry, but with a pre-determined mind, the Enquiry Officer has held this charge was also partially proved by the management.

11. On the other hand, learned counsel for the respondent contended that no motive was attributed against the Enquiry Officer and fairness & conduct of enquiry has not been questioned before this Tribunal. The enquiry has been conducted in a fair manner and principles of natural justice has been strictly followed in this case. Under such circumstances, it is just and proper for the Tribunal not to interfere either with the findings or with the punishment imposed by the Disciplinary Authority.

12. But, I find much force in the contention of the learned counsel for the Petitioner because when the allegation that the Petitioner has surreptitiously removed the unused cheque leave belonging to Smt. T. Seeniammal has not been proved before the enquiry, it cannot be said that the Petitioner with the connivance of Sri M. Paramasivam has opened the S. B. account and Current account and the said Sri M. Paramasivam has issued unused cheque leaves of Smt. T. Seeniammal and therefore, I find the allegations with regard to second charge are vague and without any substance.

13. The next charge framed against the Petitioner is that on 12-5-2000, the Petitioner has handed over the Branch Manager four Cheque leaves bearing Nos. 521965, 521964, 521962 and 521958 along with letter purportedly signed by the Sri M. Paramasivam and other seven cheque leaves bearing Nos. 521954, 521955, 521870, 521973, 521952, 521953 and 521956 directly to the Manager, which shows his involvement in the fraudulent usage of the cheques relating the closed account of Smt. T. Seeniammal. Learned counsel for the Petitioner contended that when the Assistant General Manager and Branch Manager asked the Petitioner to get the unused cheque leaves from Sri M. Paramasivam and when Sri M. Paramasivam came to the branch to see the Manager to surrender the cheque leaves and when it was refused by the Branch Manager, It cannot be said that the Petitioner who is known to Sri M. Paramasivam has handed over the cheques with a letter, which proves that he has not involved in the fraudulent usage of cheque leaves of closed account of Smt. T. Seeniammal. Further he has argued that Sri M. Paramasivam was examined on the side of the Petitioner and he has stated that he has come to the office of the Branch Manager and that he tried to hand over the cheque leaves to the Branch Manager, but the Branch Manager refused to see him and to receive the same and then only he has handed over the cheque leaves to the Petitioner along with the letter. The Enquiry Officer has not stated any valid reason for rejecting this evidence of Sri M. Paramasivam. The Enquiry Officer's opinion that Sri M. Paramasivam has alleged to have handed over the unused cheque leaves on two instalments, which cannot be believed and it is only the Petitioner with the connivance of Sri M. Paramasivam has returned the same and therefore, he has come to the conclusion that this charge has been proved. But, it is far fetched idea that the Petitioner with the connivance of Sri M. Paramasivam involved in the fraudulent usage of cheque leaves. When there is no direct or circumstantial evidence to the claim of the bank that the Petitioner has involved in the incident, the Enquiry Officer has come to the conclusion with a vague inference to be drawn from the circumstances. Therefore, I find this charge has also not been proved by the management.

14. The fourth charge framed against the Petitioner is that on 26-3-2000 the Petitioner with ulterior motive issued cheque bearing No. 521974 in favour of Sri Kanagaraj for Rs. 1,00,000 and the cheque leaf issued by the Petitioner was again from the said lot of S. B. Account No. CH3/358 of Smt. T. Seeniammal. Learned counsel for the Petitioner here again contended that it is not established that the

cheque bearing No. 521974 was issued by the Petitioner and when the signature has not been identified by any one of the witnesses examined on the side of the Respondent/Bank, and no one has stated that the signature was that of the Petitioner, it cannot be said that the Petitioner has issued the cheque bearing No. 521974 to Sri S. Kanagaraj. It is further curious to note that Sri S. Kanagaraj was not examined in the enquiry. The Enquiry Officer relying on the evidence of Branch Manager, who has stated that the said Mr. S. Kanagaraj has told him that one of the cheques was issued by Mr. Jacob, (the Petitioner herein) has come to the conclusion that the cheque bearing No. 521974 was issued by the Petitioner. But, I find that the charge has not been substantiated by the evidence produced by the respondent/Management. The respondent/Management has not given any reason for non examination of Sri S. Kanagaraj before the domestic enquiry. Further, the signature found in the cheque bearing No. 521974 has not been identified as that of the Petitioner. Under such circumstances, I find there is no direct or circumstantial evidence to substantiate the contention of the Respondent/Bank, that the cheque No. 521974 was issued by the Petitioner. But on the other hand, the Enquiry Officer has come to the conclusion that the evidence of Branch Manager carries more weight on his opposition rather than the outside witness. I find there is no substance in the contention of the enquiry officer holding that the evidence of Branch Manager carries more weight because of his position. When no reason was stated for non examination of Sri S. Kanagaraj when no reason was stated by the Respondent/Bank for non-sending of the disputed signature for comparison handwriting expert opinion, the findings given by the Enquiry Officer is perverse. Under such circumstances, I find this charge has also not been proved against the Petitioner.

15. Then the next charge framed against the Petitioner is that he has carried out transaction in his current account (Staff A/C.) No. 906 for some other specific purpose which is evident from the transactions he made in two cheques for Rs. 1,00,000/- each in his favour drawn on Canara Bank, Chidambaram Nagar branch and credited to his account on 6-5-1998 and 23-5-1998 respectively and he has received the amount of Rs. 1,00,000/- from Sri S. Kanagaraj by means of cheque drawn on Canara Bank, Chidambaram Nagar branch and his application for banker's cheque dated 4-6-98 for Rs. 2,00,000/- favouring Sales Officer by remitting cash and its cancellation subsequently on 8-5-98 clearly establish that he has engaged in trade / bussniess outside the scope of his duties without the knowledge of the Respondent/Bank. Learned counsel for the Petitioner contended that when the Petitioner has given an explanation for what reason he has received all these amounts in his account and when there is no contra evidence produced by the Respondent/Bank that it was the dealing for some other purpose alleged by them, the Enquiry Officer has come to the conclusion that these transactions were made as alleged by the Petitioner. But, on the other hand, he has come to a contrary view stating that the charge framed against the Petitioner in this case has been proved, in a perverse manner. Learned counsel

for the Petitioner further contended that drawer of the cheque Mr. Vallirajan who was examined on the side of the Petitioner issued two cheques to him and these two cheques represent share of Petitioner's wife in the sale proceeds of immovable property and he has also produced copy of agreement entered into between Sri Vallirajan and his Mother-in-law and since there was encumbrance in the deal and which was not materialised, the money was returned back to Mr. Vallirajan and therefore, there is no substance in the allegation that the Petitioner has some other transactions or trade or business outside the scope of his duties. With regard to the allegation that he has received Rs. 1,00,000/- from Mr. S. Kanagaraj, the Respondent/Management has not produced any material document to show that the Petitioner has received Rs. 1,00,000/- from Sri S. Kanagaraj. Though the Enquiry Officer relied on the documents PE6 and PE42, the drawer's signature in PE6 and payee's signature in PE42 do not belong to Petitioner and it was also not established by the Respondent/Management that it was the signature made by the Petitioner and under such circumstances, it cannot be said that the said transaction was made by the Petitioner and with regard to other allegation that he has made an application for banker's cheque, the Petitioner has stated that he has filled up the banker's cheque application on behalf of Mr. Hendry, Chairman of Tuticorin Municipality, who happens to be his friend. Further, the Petitioner has examined the said Mr. Hendry in his evidence in the enquiry and he has stated that he has asked the Petitioner to fill up the application. Under such circumstances, when there is no contra evidence to rebut the evidence of Mr. Hendry and Mr. Vallirajan, it cannot be said that the Petitioner had dealings with these persons outside the scope of his duties. Learned counsel for the Petitioner further contended that it was not clearly established before the enquiry nor before this Tribunal that the 5th charge framed against the Petitioner has been proved and hence, it cannot be said that the charge No.5 framed against the Petitioner has been proved in the enquiry.

16. Here again, I find much force in the contention of the learned counsel for the Petitioner because though the Respondent/Bank has framed the charge that the Petitioner has engaged in trade or business outside the scope of his duties, the Respondent/Bank has not established from what evidence they have come to such conclusion. Further, when the Petitioner has given an explanation for the transaction made in his account and when he has proved the same through documentary evidence and also oral evidence that these transactions were made only for the purpose he has mentioned in the Claim Statement and when there is no evidence contra to these things, it cannot be said from vague inferences that the charge has been proved by the Respondent/Management. Therefore, I find this charge has also not been proved by the Respondent/Bank.

17. The sixth charge framed against the Petitioner is that he has deliberately without altering the name of the branch and with ulterior motive issued a cheque bearing No. 951129 dt. 3-11-2000 for Rs. 56,500/- drawn on in his current account No. P906 maintained at Tuticorin branch to Sri. P. S. K. Murugan which was returned by Tuticorin

Bazaar branch and he was well aware that the said current account at Tuticorin Bazaar branch has already been closed and transferred to Tuticorin branch. In this case, learned counsel for the Petitioner contended that no doubt, the Petitioner's account was transferred to Tuticorin Branch pursuant to his transfer from Tuticorin Bazaar branch and it is the usual practice in the Respondent/Bank that even if the account is transferred the remaining cheques can be issued by altering the branch name. Further, even assuming that the cheque was issued without altering the name, it was only an omission and therefore, it cannot be said that the Petitioner has acted prejudicial to the interest of the bank. Under such circumstances, it cannot be said that this charge framed against the Petitioner has been proved.

18. I find some substance in the contention of the learned counsel for the Petitioner. No doubt, it is admitted that the petitioner has been transferred from Tuticorin Bazaar branch to Tuticorin branch and it is no doubt true that his account has been transferred to Tuticorin branch. It is the contention of the Petitioner that it is the usual practice in the Respondent/Bank that when the account has been transferred, the unused cheques can be utilised by changing the name of the branch and it is not the case of the Respondent/Bank that there is no such practice as alleged by the Petitioner. Under such circumstances, I do not find by issuing the cheque without altering the name of the branch is an act prejudicial to the interest of the bank and therefore, it cannot be said as a misconduct or gross misconduct in terms of clause 521(4)(j) of Sastry Award. Under such circumstances, I find the findings given by the Enquiry Officer in respect of all the charges are perverse and contrary to evidence on record and which is arbitrary in nature. I also find that neither the Disciplinary Authority nor the Appellate Authority has considered the defence forwarded by the Petitioner and they have blindly relied on the findings given by the Enquiry Officer and imposed the severe punishment of removal from service on the Petitioner. Therefore, for all these reasons, I find this point in favour of the petitioner.

Point No. 2:—

The next point to be decided in this case is to what relief, the Petitioner is entitled?

19. In view of my foregoing findings that the punishment of removal from service imposed by the Respondent/Bank against the Petitioner in this dispute is not legal and justified, I find the Petitioner is entitled to the relief as prayed for. Therefore, I direct the Respondent/Bank to reinstate the Petitioner forthwith with full back wages, continuity of service and all other attendant benefits. No Costs.

20. Thus, the reference is answered accordingly.

(Dictated to the P.A., transcribed and typed by him, corrected and pronounced by me in the open court on this days the 29th November, 2005.)

K. JAYARAMAN, Presiding Officer

Witnesses Examined:—

On either side : None

Documents Marked:—

For the I Party/Petitioner:—

Ex.No.	Date	Description
W1	01-12-2000	Xerox copy of the show-cause notice issued to Petitioner
W2	06-02-2001	Xerox copy of the reply to show-cause notice
W3	03-09-2001	Xerox copy of the charge memo issued to Petitioner
W4	18-09-2001	Xerox copy of the correction to charge memo
W5	21-09-2001	Xerox copy of the explanation to charge memo
W6	Nil	Xerox copy of the enquiry proceedings
W7	16-07-2002	Xerox copy of the submission of Presenting Officer
W8	22-08-2002	Xerox copy of the defence submission
W9	07-09-2002	Xerox copy of the letter from Respondent enclosing enquiry report
W10	Nil	Xerox copy of the comments on enquiry report
W11	12-11-2002	Xerox copy of the 2nd show-cause notice
W12	04-12-2002	Xerox copy of the order imposing punishment of removal
W13	15-02-2003	Xerox copy of the appear preferred by Petitioner
W14	Nil	Xerox copy of the Petitioner's exhibits marked in Enquiry proceedings
W15	Nil	Xerox copy of the Respondent's exhibits marked in Enquiry proceedings

For the II Party/Management:—

Ex.No.	Date	Description
M1	28-03-03	Xerox copy of the order of Appellate Authority

नई दिल्ली, 6 जनवरी, 2006

का. अ. 368. — औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार करूर वैश्य बैंक लि. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, चेन्नई के पंचाट (संदर्भ संख्या आई डी-144/2003) को प्रकाशित करती है, जो केन्द्रीय सरकार को 06-01-2006 को प्राप्त हुआ था।

[सं. एल-12012/244/2003-आई. आर. (बी-1)]

अजय कुमार, डेस्क अधिकारी

New Delhi, the 6th January, 2006

S.O. 368. — In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (ID No.-144/2003) of the Central Government Industrial Tribunal/Labour Court, Chennai now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Karur Vysya Bank Ltd. and their workman, which was received by the Central Government on 06-01-2006.

[No. L-12012/244/2003-IR (B-I)]

AJAY KUMAR, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, CHENNAI

Wednesday, the 14th September, 2005

Present:

K. JAYARAMAN,
Presiding Officer

INDUSTRIAL DISPUTE NO. 144/2003

In the matter of the dispute for adjudication under clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), between the Management of Karur Vysya Bank and their workmen.

BETWEEN

The General Secretary,
Karur Vysya Bank,
Employees Union,
Bangalore.

: I Party/Claimant

AND

The Deputy General,
Manager, Karur Vysya
Bank, Karur.

: II Party/Management

Appearance:

For the Claimant : Ms. D. Hariparanthaman, Advocate

For the Management : M/s. T.S. Gopalan & Co.,
Advocates

AWARD

1. The Central Government, Ministry of Labour vide Order No. L-12012/244/2003-IR(B-I) dated 14-11-2003 has

referred this industrial dispute to this tribunal for adjudication. The Schedule mentioned in that order is —

"Whether the dismissal of Shri G. Karunakaran by the management of Karur Vysya Bank is legal and justified? If not, to what relief the workman is entitled?"

2. After the receipt of the reference, it was taken on file as I.D. No. 144/2003 and notices were issued to both the parties and both the parties entered appearance through their advocates and filed their Claim Statement and Counter Statement respectively.

3. The allegations of the Petitioner Union in the Claim Statement are briefly as follows:—

The petitioner Union espouses the cause of Sri G. Karunakaran who was working as a clerk in the Respondent/Bank. He joined the services of the II Party/Management as a clerk in August, 1969 and his services were confirmed during August, 1970. He was appreciated by the II Party/Management for his involvement in marketing and for his remarkable achievement in mobilisation of rainbow savings accounts. While so, II Party/Management issued memo dated 28-8-2001 to the concerned workman with regard to outside borrowings and called for his explanation. The concerned employee has submitted his explanation. Instead of appreciating the concerned employee for disclosing the details, the II Party/Management issued a memo dated 21-9-01 to the concerned employee with mala fide intention. The first charge alleged against the concerned employee is that he borrowed huge sums of money from third parties and he was not in a position to keep up his financial commitment and thereby increasing huge debts and failure to repay the loans promptly was an act unbecoming of a bank employee and in a manner affecting the image of the bank. The second charge levelled against the concerned employee is that cheque book issued to him for withdrawal of amounts was misused by him for raising of and repayment of loan. The third charge against the concerned employee is that he sold the bike purchased by him by availing loan from the bank to one Mr. Veeramani without the knowledge of the bank and without closing the bank loan and that he unauthorisedly sold the vehicle to a third party and acted against the interest of the bank and they classified as acts of gross misconduct under clause 19.5(j) of the Bipartite Settlement. Though the concerned employee has given an explanation, the II Party/Management ordered an enquiry. The said enquiry was not fair and proper and the same is liable to be set aside. The allegations made against the concerned employee are almost pertaining to his private affairs and personal transactions and therefore, initiating disciplinary action for the same is without power and jurisdiction. The Enquiry Officer was subordinate to the complainant, hence the total enquiry is biased and against the principles of natural justice. When the concerned employee wanted to mark a letter dated 1-12-2001 which he received from his co-brother Mr. Thirugnanasambandam in the enquiry, the Enquiry Officer rejected the same. Thus, the denial of marking the document is against the legal provisions. Though the allegations would not constitute any misconduct under

the provisions of Bipartite Settlement regarding disciplinary action, though the concerned employee has not committed any misconduct and though there was no legal and acceptable evidence to establish the charges and misconduct levelled against the workman concerned, the Enquiry Officer submitted his findings in a biased and partisan manner which is not legal. Without considering the explanation of concerned employee, the Disciplinary Authority also accepted the findings of the Enquiry Officer and issued 2nd show cause notice proposing to dismiss the concerned workman from service and by an order dated 18-9-2002 the Disciplinary Authority dismissed the concerned employee from service without any notice. Borrowing of loan and receiving cheque book and using the same for his personal transaction would not amount to misconduct much less an actionable misconduct under the provisions of Bipartite Settlement, therefore, the II Party/Management cannot take disciplinary action for anything and everything against the concerned employee. When there was no complaint from any of the creditors against the concerned workman, initiating disciplinary action against the concerned employee is malafide and also a clear case of colourable exercise of powers. Further, incurring of debts which is excessive according to Respondent/Management is only a minor misconduct under clause 19.7(1) of Bipartite Settlement and maximum penalty is only stoppage of increment not longer than six months. When there was no evidence to prove any act prejudicial to the interest of the bank or causing loss to the bank, the II Party/Management cannot invoke the clause under Section 19.5(j). When the concerned employee clearly established the source of income which are sufficient to discharge the loan and the interest, the findings of the Enquiry Officer is against the evidence on record. When the concerned workman has not violated any rule, regarding the Savings Bank account, the finding that the concerned employee has misused the cheque book facility is illegal and unjust. When the clerk like the concerned employee is entitled to avail loan on various heads upto Rs. 12.00 lakhs from the II Party/Management itself, it is not justifiable to dismiss the concerned employee for incurring loan to the tune of Rs. 4.70 lakhs and come to a conclusion that he has committed a grave misconduct. Both the Enquiry Officer and Disciplinary Authority have failed to see the vehicle was sold only after clearing the loan and cancelling the hypothecation and hence, no question of seeking permission or unauthorised sale would arise. Further, the Disciplinary Authority failed to take into account the long unblemished and meritorious service of the concerned employee while passing the dismissal order, hence, it is illegal. Hence, for all these reasons, the Petitioner Union prays that an award may be passed to reinstate the concerned employee into service with continuity of service, back wages and other attendant benefits.

4. As against this, the Respondent in its Counter Statement contended that the Respondent/Bank is a banking company paid wages and other allowances to award staff on par with the nationalised banks. Further, the Respondent/Bank functions on the faith and confidence reposed on its employees and it expects its employees to maintain absolute integrity and conduct their private affairs

within their means. Thus, the employees are expected not to indulge in excess borrowings as it may tend them to resort to malpractices in the matter of handling of moneys of bank and its customers. The bank employees are required to maintain a S.B. account for the purpose of crediting their salaries and they are also required to issue cheques after ascertaining that they are having sufficient balance in their account at the time of issue of cheques and cheques are not to be used as security for getting loans. In the last week of June, 2001, a fraud committed at Karur Central Branch of Respondent/Bank came to light. When the matter was probed into it was found that Mail Transfer advices received by the Karur Central Branch were not of the bank stationery and signature of the officer of issuing branch (Palani branch) was also forged. It was found that the S.B. account in the name of Mr. R. Boobathi fictitiously opened and introducer of this account namely one Mr. B. Suresh also denied of having introduced any customer by name R. Boobathi. Thus, by the above fraudulent transaction, Rs. 8.2 lakhs was unauthorisedly withdrawn from the bank. The Chief Branch Manager of Karur Central Branch where the concerned employee was working submitted a detailed report giving detailed reasons as to how the involvement of concerned employee in the fraud could not be ruled out. It was followed by a further detailed report in December, 2001. The police also interrogated the concerned employee and in the course of interrogation the concerned employee informed that he had a borrowing of Rs. 4.7 lakhs from 19 parties besides a sum of Rs. 1.8 lakhs taken as loan from his co-brother. In that he confessed that he used to issue post dated cheques for getting loans from financiers and by repaying the loans, the cheques were not presented. On 23-10-1998 the concerned employee availed a vehicle loan of Rs. 46,000/- and the said vehicle was also under hypothecation with the bank. When the loan was outstanding without the knowledge of the bank, he had sold the vehicle to one Mr. Veeramani by handing over the vehicle to him. Thus, he unauthorisedly sold the vehicle to a third party and acted against the interest of the bank. It is no doubt true that notwithstanding several circumstances placing needle of suspicion against the concerned employee in fraud of unauthorised withdrawal of Rs. 8.2 lakhs, the Respondent/Bank felt that the excess borrowings, the issue of cheques as security for getting loans, the disposal of vehicle which was purchased with a loan taken from the bank were sufficient to initiate disciplinary action against the concerned employee. Since the explanation given by the concerned employee was not satisfactory, an enquiry was ordered to be conducted against him. The Enquiry Officer gave his report holding that charges against the concerned employee have been proved. Thereafter, considering the submissions made by the concerned employee, the Disciplinary Authority after issuing 2nd show cause notice imposed the punishment of dismissal. Even the appeal preferred by the concerned employee was rightly dismissed by the Appellate authority. Apart from the charges proved in the enquiry, the circumstances pointed out by the Branch Manager of Karur Central Bank branch strongly suggesting the involvement of concerned employee in the fraud and therefore, the Respondent/Bank could not repose confidence in him. The enquiry was

conducted in a just and proper manner against the concerned employee and principles of natural justice has been followed and not violated as alleged by the Petitioner. Merely because Mr. Swaminathan was Scale IV officer which is a higher scale than Scale II of Mr. Ramakrishnan, it cannot be concluded that Mr. Ramakrishnan, was subordinate to Mr. Swaminathan. The burden of proving that he has received the gift from his co-brother is upon the concerned employee which is not proved in the enquiry and therefore, the conclusion arrived at by the Enquiry Officer cannot be questioned by the Petitioner, the Respondent/Bank issued several periodical circulars governing the conditions of employment and breach of those circulars would amount to an act prejudicial to the interest of the bank. Though the excess borrowings is a minor misconduct, the same coupled with other acts would assume grave consequence and would be an act incompatible to employment in the service of the Respondent/Bank. By using his position as employee of the Respondent/Bank by issuing post dated cheques, he was able to borrow such a huge loan which he could not repay out of his normal known source of income namely his salary. The maximum loan for award staff from the bank including housing loan cannot be more than Rs. 7.15 lakhs and in the present case, the concerned employee had already availed loan from the bank to the extent of Rs. 2.09 lakhs and the borrowings referred to in charge sheet were over and above the loan taken from the bank. With regard to parting with the possession of vehicle, it is clear evidence that he has parted with the possession of vehicle even in December, 1998. Hence, the findings of the Enquiry Officer cannot be questioned by the concerned employee. In any event, consideration of past record is to mitigate the misconduct and the concerned employee has not brought out any extenuating circumstances warranting lenient punishment. Hence, for all these reasons, the dismissal of the concerned employees is fully justified and valid in law and there is no scope to interfere with the punishment imposed on him. Hence, the Respondent prays to dismiss the claim with costs.

5. Under these circumstances, the points for my consideration are-

- (i) "Whether the dismissal of the Sri G. Karunakaran by the respondent/Management is legal and justified ?
- (ii) To what relief the concerned employee is entitled?"

Point No. 1:-

6. In this case, though the Petitioner has raised doubts about the conduct of enquiry is not just and proper, subsequently, the learned counsel for the Petitioner represented that he will argue in all the issues and therefore, the Tribunal need not consider the preliminary issue with regard to conduct of enquiry. as such, we have to consider the entire case under section 11A of the Industrial Disputes Act.

7. The Respondent/Bank has framed three charges against the concerned employee. the first charge against the concerned employee was that he had borrowed huge

sums of money from third parties and was not in a position to keep up the financial commitments and he has confirmed the borrowings a sum Rs. 4,70,000 apart from Rs. 1,80,000 from his co-brother for his son's education and he was informed that the net salary drawn by him is not sufficient to meet even the interest obligation on the amounts borrowed by him, thus, by incurring huge debts and failing to promptly repay the same, he acted unbecoming of a bank employee in a manner affecting the image of the Respondent/Bank. Before the domestic enquiry, the Respondent/Bank has examined two witnesses. The first witness is with regard to purchase of vehicle and the second witness namely the Manager of the Karur Vysya Bank was examined to prove the first charge against the concerned employee. On the side of the Respondent/Bank, nine documents were marked. The contention of the Respondent/Bank is that the award staff namely the concerned employee and other employees are paid wages and other allowances on par with the nationalised banks and the Respondent/Bank functions on faith and confidence reposed in its employees and therefore, the Respondent/Bank expects its employees to maintain absolute integrity and conduct their private affairs within their means and the employees of the Respondent/Bank are expected to no indulge in excess borrowings as such borrowings may tend them to resort to malpractices in the matter of handling of monies of the bank and its customers. In this case, the concerned employee has borrowed more than Rs. 4.70 lakhs besides borrowal of Rs. 1.80 lakhs from his co-brother and though the concerned employee has stated that it was a gift to his son, who was studying in Engineering in Computer Science, there is no proof to show that it was given to him as a gift. The maximum loan an award staff can avail from the Respondent/Bank including housing loan cannot be more than 7.15 lakhs, but in the instant case, the concerned employee had already availed loan from the Respondent/Bank to the extent of Rs. 2.09 lakhs and the borrowings referred to in charge sheet were over and above the loan taken from the bank. In this case it is admitted by the concerned employee that he used to issue post dated cheques for getting loans from financiers and by repaying the loans, the cheques were not presented. During the relevant period he was getting a salary of Rs. 6846.05 per month and he was paying an interest of not less than Rs. 10,000/-, which is over and above the net salary received by the concerned employee and in such circumstances, it was not possible for the concerned employee to repay the loan which is against the provisions of all the rules and regulations. Even though the excessive borrowing is a minor misconduct, the same coupled with other acts would assume grave consequence and would be an act incompatible to employment in the services of the Respondent/Bank and therefore, the Respondent/Bank has imposed the major punishment.

8. But, as against this, the learned counsel for the Petitioner contended that first of all the charges framed against the concerned employee pertains to his private affairs and personal transactions and hence, issuing of charge memo and initiating disciplinary action against him is without power and jurisdiction of the Respondent/Bank. Secondly, the Enquiry Officer was subordinate to the

complainant who also came as a witness in the enquiry as MW2, hence, the total enquiry is biased and against the principles of natural justice. Thirdly, when the concerned employee wanted to mark letter dated 1-12-2001, which he received from his co-brother Mr. Thirugnanasambandam in the enquiry, the Presenting Officer objected the same on the ground that author was not examined. Though the concerned employee contended that he was the recipient of the letter and hence he could mark the same, the Enquiry Officer rejected his request by simply accepting the contention of the Presenting Officer. Thus, the concerned employee was denied fair and reasonable opportunity to defend himself and to prove his innocence. Though the allegations would not constitute any misconduct under the provisions of Bipartite Settlement regarding disciplinary action and though the concerned workman has not committed any actionable misconduct and though there was no legal and acceptable evidence to establish the charges and misconduct levelled against the concerned workman, the Enquiry Officer submitted his findings as expected by the Respondent/Bank in a biased and in perverse manner. It is further argued on behalf of the Petitioner that for borrowing of loan and receiving cheque books and using the same for personal transaction would not amount to any misconduct much less an actionable misconduct under the provisions of Bipartite Settlement. Learned counsel for the Petitioner further relied on the rulings reported in 1953 II LLJ 439 LAXMI DEVI SUGAR MILLS LTD. Vs. NAND KISHORE SINGH wherein the standing order of a company inter-alia providing dismissal for an act subversive of discipline, a worker charged for alleged instigation of fellow workmen to pass a resolution for removal of the General Manager of the company, the concerned workman refusing to furnish information asked for by the General manager regarding his speech and therefore, the concerned workman was charge sheeted only for sponsoring such resolution and not with any other act of insubordination and in that case, the Supreme Court has held that "the prayer of management for permission to dismiss such workman could not be allowed to be justified on any grounds or charges other than those mentioned in the charge sheet. The concerned workman not having been charged with the act of insubordination which could have really justified the management in dismissing him, the employer could not take advantage of the same even though those acts could be brought home to him in proper proceedings. Passing of resolution for the removal of General Manager by itself could not be considered to be an act subversive of discipline and held that the dismissal order passed by the Respondent/Management is not valid." Learned Counsel for the Petitioner further argued that when there was no complaint from any of the creditors the against the concerned employee, complaining either non-payment of principal or interest, the action of the Respondent/Management in initiating disciplinary action against the concerned workman with regard to borrowing is malafide and also it is a clear case of colourable exercise of powers. Learned counsel further argued that only provision available in the settlement with regard to incurring of debts which is excessive according to the management is only a minor misconduct under clause 19.7(1) of Bipartite

Settlement, therefore, when there was no evidence to establish that the debts incurred by the concerned workman were excessive, the Respondent/Bank cannot even proceed under clause 19.7(1) of Bipartite Settlement. Even the excessive borrowing is proved under clause 19.7(1), the maximum penalty is only the stoppage of increment not longer than six months. Therefore, the action of the Respondent/Management in proceeding against the concerned employee as if he has committed a gross misconduct under clause 19.5(j) of Bipartite Settlement and dismissing him from service for the same is malafide and vindictive. Learned counsel for the Petitioner further argued that when a clerk like the concerned workman who has put in twenty years of service is entitled to avail loan on various heads upto Rs. 12.00 lakhs from the Respondent/Bank, the Respondent/Bank was not justified in dismissing the concerned workman from service on the ground that he incurred loan to the tune of Rs. 4.70 lakhs. It is his further argument that concerned workman has established before the domestic enquiry that source of his income which was sufficient to discharge the loan and the interest and further before the enquiry, it was proved that he has discharged loan of Rs. 70,000 and Rs. 1.10 lakhs as on date of his deposition before the domestic enquiry. Under such circumstances, the findings of the Enquiry Officer that his net income was not sufficient to pay the interest is contrary to the evidence available on record and the findings of the Enquiry Officer that borrowing of Rs. 4.70 lakhs from the private financiers and money lenders was an act unbecoming of a bank employee is illegal and no such Act was either enumerated or prescribed to be a misconduct under the Bipartite Settlement. Further, when there was no evidence as to whether the creditors were the customers of the bank or not, the findings of the Enquiry Officer that concerned workman has borrowed loan from the customers is illegal. Under such circumstances, the findings with regard to borrowings is perverse and is against the evidence adduced before the domestic enquiry. It is further argued that in the absence of any specific clause in the Bipartite Settlement prohibiting either borrowing of money or issuing cheques or restricting number of cheques to be used, the II Party/Management cannot take disciplinary action for anything and every thing against the concerned workman. Learned counsel for the Petitioner further relied on the rulings reported in 1990 II LLJ 23 M.L.L. KUMAR Vs. DIVISIONAL MANAGER, APSRTC, CUDDAPPAH AND ANOTHER wherein it was held that "*when the person who gave the complaint and the person who gave evidence before him is an officer immediately superior to him the enquiry should not have been conducted by the officer, who was subordinate to the complainant himself and particularly when the superior officer is also a witness in the case. The principles of natural justice as applicable to domestic proceedings have been held to include within their right to have a fair trial. Under such circumstances, the enquiry cannot be conducted by a subordinate to the complainant, especially when superior officer is also a witness in the case.*" Learned counsel further relied on the rulings reported in 1998 3 LLN 878 INDIAN PISTONS LTD. Vs. C. KUMARASWAMY AND ANOTHER wherein the Division Bench of the High Court has relied on the

rulings reported in AIR 1970 SC 1401 Hindustan Steels Ltd. Vs. A.K.Roy, wherein the Supreme Court has held that "right of an employer to discharge or dismiss an employee is no longer absolute and it is subject to severe restrictions, if the exercise of power was malafide or colourable amounting to victimisation or unfair labour practice or in violation of principles of natural justice, the Labour Court can direct reinstatement and normally the rule in such cases should be reinstatement and only in exception cases, compensation can be granted in lieu of Respondent. The Apex Court also gave instances of such exceptions namely (i) strained relations between the employer and employee and (ii) the post held by the employee was one of trust of confidence; and (iii) the employee acted subversive or prejudicial to the interest of the industry." and the Division Bench has also held that "merely because he was employed in stores receiving section, it cannot be said that the employer had lost confidence in the worker only on account of suspicion. The past conduct of the workers has got to be taken into account.....The presumption and assumption made by the management against the Respondent also disclose that their action was not bona fide in making the first Respondent as a scapegoat for the illegal act of the contractor. In our view, the management will do well to inspire confidence in their workers, if they do not start doubting the worker for anything and every thing. Unless the management has clinching evidence about the illegal activity of a worker, they should not indulge in taking frivolous action against their own workers." Learned counsel for the Petitioner further contended that Respondent/Bank had suspicion with regard to the fraud committed at Karur Central Branch of the Respondent/Bank and therefore, the Respondent/Bank victimised the concerned employee which is against the provisions of I.D. Act.

9. But, as against this, learned counsel for the Respondent contended that in the last week of June, 2001 a fraud was committed at the Respondent/Bank at Karur Central Branch. By this, a sum of Rs. 8.2 lakhs was unauthorisedly withdrawn. The Chief Branch Manager of the Karur Central Branch, where the concerned employee was working, submitted a detailed report giving detailed reasons as to how the involvement of the concerned employee in frauds could not be ruled out. This was followed by a detailed report in December, 2001. The police also interrogated the concerned clerk and in the course of interrogation by the police, in reply to a query, the concerned clerk informed that he had a borrowing of Rs. 4.7 lakhs from 19 parties besides a sum of Rs. 1.8 lakhs taken as a loan from his co-brother. He has also confessed that he used to issued post dated cheques for getting loans from financiers and by repaying the loans, the cheques were not presented. It is no doubt true that notwithstanding several circumstances placing the needle of suspicion against the concerned employee in the fraud of unauthorised withdrawal of Rs. 8.2 lakhs, the Respondent/Bank felt that excess borrowings, the issue of cheques as security for getting loans, the disposal of the vehicle which was purchased with a loan taken from the bank was sufficient to initiate disciplinary action against the concerned employee. Under such circumstances, the action

taken by the Respondent/Bank cannot be held as unauthorised or against the principles of natural justice or vitiated for the reasons urged by the Petitioner.

10. But, I find the contention of the learned counsel for the petitioner is sound, since in this case only because of suspicion against the concerned employee, the Respondent/Bank has taken action on flimsy grounds. When the clause 19.7(1) of Bipartite Settlement clearly stated that incurring of debts which is excessive according to the management, is only a minor misconduct, even assuming for argument sake that the concerned employee has incurred debts which is excessive according to the Respondent/Bank, they can only take action for minor misconduct and it cannot be stated as a major misconduct. Though the Respondent contended that he can not discharge the debts within his means, he has not offered any tangible security for getting such loans and he has obtained these loans by using his position and issuing post dated cheques as security, which he could not repay out of his salary, I find even prior to domestic enquiry he has discharged loan amount more than Rs. 70,000 within his means and he has also discharged more than Rs. 100,000 before his examination as witness and under such circumstances, it cannot be said that he has borrowed excessive amount, as alleged by the Respondent. Further, learned counsel for the petitioner contended that the concerned employee as a clerk can borrow upto Rs. 12.00 lakhs and when the Respondent/Bank contended that he can avail loan only to the tune of Rs. 7.5 lakhs, it cannot be said that borrowal of the concerned employee in this case is excessive. Under such circumstances, I find the findings given by the Enquiry Officer is perverse and the punishment imposed by the Disciplinary Authority is also illegal.

11. The 2nd charge framed against the concerned employee in this case is that the concerned employee using the cheques given by the bank obtained loan from private financiers and for this purpose, he has obtained many cheques for issuing post dated cheques towards repayment of loan on instalments. But, admittedly, the Respondent/Bank has not produced any rule or clause in agreement that using of cheque for obtaining loan is against the provisions of Bipartite Settlement. Further, when the provisions of Negotiable Instrument Act has clearly stated that post dated cheques can be given, it cannot be said that it is not legal. Further, the learned counsel for the Respondent has not produced any rule that an employee of the bank cannot use his cheques in respect of his S.B. account for obtaining loans as security. Though it was said that it is not permissible for bank employees to issue cheques for getting loans, no relevant rule or clause of Bipartite Settlement has been produced to show that it was not permissible for the bank employees.

12. Though it is stated that the concerned employee has misused his cheque facility when the Manager who was examined as MW2 has clearly stated that rules of S.B. account are same for customers of the bank and bank employees and it cannot be said that concerned employee has misused the cheque facility given to him under S.B. account. Learned counsel for the Respondent further argued that the Respondent/Bank issued periodical

circulars with regard to conditions of employment and breach of such circulars would amount to prejudicial to the interest of the bank. But, no such circulars were produced before this Tribunal with regard to conditions of employment and which of those circulars have been breached by the concerned employee and therefore, I find there is no substance in the contention of the learned counsel for the Respondent that the acts done by the concerned employee are prejudicial to the interest of the Bank.

13. The next and last charge framed against the concerned employee in this case is that he has availed vehicle loan on 23-10-1998 for Rs. 46,000 under the employee's vehicle loan scheme or purchase of 'Yamaha RX' motorbike and in the month of December, 1998 during the pendency of the loan, he sold the vehicle to one Mr. Veeramani, proprietor of M/s. Annai Printers without the knowledge of the bank and also he did not get the loan account closed before selling the vehicle to Mr. Veeramani. Thus, he has unauthorisedly sold the motorbike hypothecated to the bank and thus, the loan account was closed by him only on 14-5-2001 which is a grave misconduct. But, as against this, the concerned employee contended that he has sold the vehicle only on 1-6-2001 and the name in the RC book also changed subsequent to that and before that he has discharged the loan and he has produced a copy of the letter given by the said Mr. Veeramani with regard to the transfer and also copy of RC book with regard to transfer in the name of Mr. Veeramani as Ex. W6 to W11. It is contended that any amount of oral evidence against this documentary evidence will not help the Respondent/Management to come to a conclusion that the vehicle was sold when the hypothecation of vehicle is pending in the bank.

14. But, as against this, learned counsel for the Respondent contended that the concerned clerk has sold the vehicle unauthorisedly to one Mr. Veeramani and in this case, it is the allegation against him that he has parted with the possession of vehicle even in December, 1998 and the said Mr. Veeramani was examined as MW1 and it is the evidence of Mr. Veeramani that he has taken possession of the vehicle in the year 1998 which was not disputed by the concerned employee. Further, during the course of cross examination of MW 1 the said Veeramani narrated the voluntary declaration made by the concerned employee to the police and thereafter he stated for the reasons best known to him, now he was saying that the amount received was by way of gift. Further, the witness concerned MW1 has also produced documents for payments made to the concerned employee which clearly shows that possession of vehicle was parted even in December, 1998. While so, the change of name in RC book and also letter was only after the discharge of loan but the physical possession of vehicle was already given to Mr. Veeramani and therefore, it is clearly established that vehicle was transferred while the vehicle was under hypothecation with the bank. Under such circumstances, the action taken against the concerned employee is legal and it is clearly proved that this action of the concerned employee is a grave misconduct.

15. But, though I find some force in the contention

of the learned counsel for the Respondent, from the document produced by the Petitioner side, I consider the allegation that the transfer of vehicle was made in December, 1998 against the documentary evidence produced by the Petitioner is not valid. Legally the vehicle was transferred only in June, 2001 and on that date, there was no hypothecation of vehicle with the bank. Further, in each and every year, the auditors of the bank will enquire and verify whether the hypothecated articles with the bank are in tact. In this case, no document was produced before the enquiry that verification was made by the auditors with regard to hypothecation of motor bike, but they relied only on the oral evidence given by Mr. Veeramani who is a customer of the bank and who is expecting orders from the bank. Under such circumstances, I find oral evidence given by Mr. Veeramani cannot be relied on by the parties against the documentary evidence. Therefore, the conclusion arrived at by the Respondent/Bank in the enquiry against the concerned employee is illegal, arbitrary, unjust and malafide. Further, in this case, the action of the Enquiry Officer in rejecting the Petitioner's request for marking of document which he received from his co-brother is also a denial of fair and reasonable opportunity to defend his case. Because it cannot be said that in each and every case while marking a document, author of the document is to be examined before the enquiry. Further, it is the evidence of concerned employee that he has received this letter from his co-brother and therefore, the Enquiry Officer only to reject the contention of the concerned employee has come to a conclusion that author of the letter has to be examined before marking the letter written by the co-brother of concerned employee. Thus, in all the circumstances it can be seen that with a prejudiced mind the Enquiry Officer has approached the case and the Respondent/Bank has got suspicion over the concerned employee with regard to the fraud committed in the bank and wanted to take advantage of the minor circumstances and had come to a conclusion that the concerned employee should be dismissed from service and take this step, which I find is unjust and illegal.

16. Learned counsel for the Petitioner further relied on the rulings reported in 1984 II LLJ 186 A.L. Kalra Vs. Project & Equipment Corporation of India Ltd. wherein the Supreme Court has held that "*a general expectation of a certain decent behaviour in respect of employees keeping in view Corporation culture may be a moral or ethical expectation. Failure to keep such high standard of moral, ethical or decorous behaviour befitting an officer of the company by itself cannot constitute misconduct unless the specific conduct falls in any of the enumerated misconduct in Rule 5. Where the misconduct when proved entails penal consequences, it is obligatory on the employer to specify and if necessary define it with precision and accuracy so that any ex-post factor interpretation of some incident may not be camouflaged as misconduct. Therefore, it would appear that even if the facts alleged in two heads of charges are accepted as wholly proved, yet that would not constitute misconduct as prescribed in rule 5 and no penalty can be imposed for such conduct.*" It further held that "*if rules for granting the advance themselves provided the consequence of the breach of conditions, it would be idle to go in search of*

any other consequence by initiating any disciplinary action in that behalf unless the Rules specifically incorporate a rule that the breach of House Building advance rules would by itself constitute a misconduct" and argued that in this case, even assuming for argument sake that the concerned employee has transferred the vehicle even when the hypothecation is pending with the bank by transferring the vehicle, it cannot be said that it is a misconduct because the Respondent/Bank is entitled to collect the entire amount from the person when it was transferred or it can claim penal interest against the transfer. Under such circumstances, it cannot be said that it is a grave misconduct.

17. I find much force in this contention. Therefore, I find the dismissal of the concerned employee Sri G. Karunakaran by the Respondent/Management is not legal and justified.

Point No. 2 :

The next point to be decided in this case is to what relief the concerned employee is entitled?

18. In view of my foregoing findings that dismissal order passed by the Respondent/Management is not legal, I find the Petitioner is entitled to the relief claimed namely the reinstatement of concerned employee into service. Therefore, I direct the Respondent/Bank to reinstate the concerned employee Sri G. Karunakaran into service with continuity of service, back wages and other attendant benefits. No costs.

19. Thus, the reference is answered accordingly.

(Dictated to the P.A., transcribed and typed by him, corrected and pronounced by me in the open court on this day the 14th September, 2005.)

K. JAYARAMAN, Presiding Officer

Witnesses Examined :

For the I Party/Claimant : None
For the II Party/Management : MWI Sri K.P. Swaminathan

Documents Marked :

For the I Party/Claimant :

Ex No.	Date	Description
W1	29-10-98	Xerox copy of the certificate of registration.
W2	Nil	Xerox copy of the S.B. account rules.
W3	Nil	Xerox copy of the statement showing charges for issuance of cheque books.
W4	29-08-01	Xerox copy of the letter from Respondent/Bank to Petitioner.
W5	05-09-02	Xerox copy of the proceedings of proposed punishment.
W6	01-06-01	Xerox copy of the RC book—name duly transferred to Mr. Veeramani.
W7	Nil	Xerox copy of the insurance policy.

Ex No.	Date	Description
W8	Nil	Xerox copy of the renewal policy for vehicle.
W9	04-07-01	Xerox copy of the transfer of insurance certificate.
W10	04-07-01	Xerox copy of the motor extra endorsement for the policy.
W11	Nil	Xerox copy of the letter from Mr. D. Veeramani.
W12	29-08-01	Xerox copy of the letter from Respondent to concerned employee.
W13	14-09-01	Xerox copy of the reply given by concerned employee to Assistant General Manager.
W14	02-04-01	Xerox copy of the appreciation letter issued by Respondent.
W15	29-01-01	Xerox copy of the service certificate issued to concerned employee.
W16	14-09-01	Xerox copy of the explanation given by concerned employee for the memo dated 28-8-01.
W17	04-12-01	Xerox copy of the letter from Enquiry Officer to Petitioner.
W18	07-02-02	Xerox copy of the written arguments of defence Representative.
W19	19-04-02	Xerox copy of the notice issued by Respondent enclosing Enquiry findings.
W20	08-10-02	Xerox copy of the letter sent by Respondent to concerned Employee regarding pension.
W21	21-10-02	Xerox copy of the appeal preferred by concerned employee.
W22	31-01-03/ 10-02-03	Xerox copy of the appeal preferred by concerned employee to Chairman & Board of Directors.
W23	01-07-03	Xerox copy of the ID raised by Petitioner before Assistant Labour Commissioner (Central).
W24	26-08-03	Xerox copy of the remarks filed by II Party/Management Before Assistant Labour Commissioner (Central).

For the II Party/Management :

Ex No.	Date	Description
M1	21-09-01	Xerox copy of the charge sheet issued to Mr. Karunakaran.
M2	10-10-01	Xerox copy of the reply given by Mr. Karunakaran.
M3	24-10-01	Xerox copy of the order issued by Disciplinary Authority for enquiry.
M4	27-12-01	Xerox copy of the Enquiry Notice.

Ex No.	Date	Description
M5	27-12-01	Xerox copy of the enquiry proceedings.
M6	28-12-01	Xerox copy of the enquiry proceedings.
M7	08-01-02	Xerox copy of the enquiry proceedings.
M8	09-01-02	Xerox copy of the enquiry proceedings.
M9	25-08-01	Xerox copy of the letter from Mr. Veeramani to Respondent/Bank.
M10	Nil	Xerox copy of the statement maintained by Mr. Veeramani.
M11	17-08-01	Xerox copy of the letter of Central Branch to Central Office of Respondent/Bank.
M12	Nil	Xerox copy of the list containing names of persons who lent money to Mr. Karunakaran.
M13	18-08-01	Xerox copy of the statement of account of Mr. Karunakaran.
M14	Nil	Xerox copy of the list containing list of cheque books issued to Mr. Karunakaran.
M15	Nil	Xerox copy of the pay slip of Mr. Karunakaran for Aug. 2001.
M16	19-04-02	Xerox copy of the letter from Central Office enclosing Findings of Enquiry Officer.
M17	13-05-02	Xerox copy of the written representation submitted by Defence representative.
M18	12-08-02	Xerox copy of the show cause notice issued to Mr. Karunakaran.
M19	18-09-02	Xerox copy of the final order passed by Disciplinary Authority.
M20	22-10-02	Xerox copy of the appeal preferred by Petitioner.
M21	22-01-03	Xerox copy of the order of Appellate Authority.
M22	29-06-01	Xerox copy of the letter of IRAD, Central Office, Karur regarding Fraud at Karur Central Branch.
M23	17-08-01	Xerox copy of the letter of Karur Central Branch Regarding Fraud at Karur Central Branch.

नई दिल्ली, 6 जनवरी, 2006

का. आ. 369.— औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार कर्नूर वैश्य बैंक लि. के प्रबंधन के संबंध में निरीक्षणों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, चेन्नई के पंचाट (संदर्भ संख्या आई डी-74/2003) को प्रकाशित करती है, जो केन्द्रीय सरकार को 6-1-2006 को प्राप्त हुआ था।

[सं० एल-12011/10/2003-आईआर (बी-1)]

अजय कुमार, डेस्क अधिकारी

New Delhi, the 6th January, 2006

S.O. 369.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (ID-74/2003) of the Central Government Industrial Tribunal/Labour Court, Chennai now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Karur Vysya Bank Ltd. and their workman, which was received by the Central Government on 6-1-2006.

[No. L- 12011/10/2003-IR(B-4)]

AJAY KUMAR, Desk Officer.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, CHENNAI

Wednesday, the 2nd November, 2005

PRESENT:

K. Jayaraman, Presiding Officer

Industrial Dispute No. 74/2003

(In the matter of the dispute for adjudication under clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), between the Management of Karur Vysya Bank Ltd. and their workmen.)

BETWEEN

The General Secretary
Karur Vysya Bank,
Employees Union,
Bangalore.

: I Party/Claimant

AND

The Chairman,
Karur Vysya Bank, Ltd. Karur.

: II Party/Management

APPEARANCE:

For the Claimant : M/s. D. Hariparanthaman,
Advocate

For the Management : M/s. T. S. Gopalan & Co.,
Advocate

AWARD

The Central Government Ministry of Labour vide Order No. L- 12011/10/2003-IR(B-I) dated 7-5-2003 has referred this industrial dispute to this Tribunal for adjudication. The Schedule mentioned in that order is—

“Whether the action of closure of the branch and retrenchment of workmen by the management of Karur Vysya Bank Limited without following the provisions of Industrial Disputes Act, 1947 is legal and justified? If not, to what relief the workmen are entitled?”

2. After the receipt of the reference, it was taken on file as I.D. No. 74/2003 and notices were issued to both the parties and both the parties entered appearance through their advocates and filed their Claim Statement and Counter Statement respectively.

3. The allegations of the Petitioner in the Claim Statement are briefly as follows :—

The II Party/Management is having 193 branches all over India in urban, semi urban and some branches in rural areas totalling to 217 branches and opening of new branches and transfer of existing places of business including sub-office, pay office and any place of business at which deposits are received, cheques cash or money lent is governed by Section 23 of the Banking Regulation Act and only after obtaining prior permission from the Reserve Bank of India, a bank can either open a new branch or transfer an existing branch. The conditions of service of award staff of the Petitioner union are governed by Shastri Award, Desai Award and various All India level settlements entered into from time to time for the banking industry. The Respondent/Management employees are classified into four categories namely permanent, probationer, temporary and part time employees. As per para 508 of Shastri Award, part time employees means an employee who do not or is not required to work for full period for which an employee is ordinarily required to work and who is paid on the basis that he is or may be engaged in doing the work elsewhere. Further, the conditions of service of part time employees are also governed by the above said awards and settlements. The part time employees drawing scale wages are entitled to all the benefits like full time permanent workmen and they are entitled to preference while filling up full time vacancies. While so, the II Party/Management in the name of rationalisation and modernisation effected several changes to the adverse effect and detriment of service conditions of award staff and part time employees. The II Party/Management have either converted some branches to satellite branches or closed the branches by merging with nearby branches even though there was no reason, necessity or justification for such conversion or merger. Though all the officers and award staff were re-deployed and accommodated in nearby and other branches, the Respondent/Bank without any justification did not extend the same treatment and benefits in the case of part time employees and all the part time employees were sought to be terminated or retrenched. Further, before effecting such changes no notice under section 9A was issued neither the Petitioner union or concerned employees. The Petitioner union made protest and requested the II Party/Management to desist from effecting any changes altering in conditions of service and more particularly not to go ahead with any change which will result in non-employment/retrenchment of workmen or part time workmen. Since there is no positive reply the Petitioner union raised an industrial dispute before Assistant Labour Commissioner (Central). Even while the conciliation was pending before the conciliation officer and even though he advised the parties to maintain status quo during the pendency of conciliation, the II Party/Management continued to go on with the same violation without any prior permission in utter disregard of provisions of Industrial Disputes Act. Since the conciliation ended in failure, the Assistant Labour Commissioner (Central) addressed the Government for reference. But at the first instance, the Government has not inclined to refer this dispute to this Tribunal. Subsequently, the Petitioner Union

filed W.P. No. 14038/03 praying for a direction to the Government of India to refer this dispute to this Tribunal and after the order passed by the High Court, the matter was referred to this Tribunal. Since the action of the Respondent/Management by way of rationalisation/modernisation is leading to retrenchment of part time workmen and violative of Section 9A of the Industrial Disputes Act, and it is illegal and non-est in the eye of law and in operative. Since the II Party/Management has not obtained prior permission as contemplated under Section 23 of the Banking Regulation Act, the action of the Respondent/Bank is illegal and discriminatory and mala fide. Further, the Respondent/Management has not followed the provisions of Section 25G of the Act and therefore, the action of Respondent is illegal, unjust and violative of Section 33 (1) (a) of the I.D. Act. Hence, the Petitioner Union prays that as the order passed by the Respondent/Management is illegal and unjust, II Party/Management may be directed to reinstate all the retrenched part time employees into service pursuant to such closure/merger of branches with continuity of service and other attendant benefits.

4. As against this, the Respondent in its Counter Statement contended that the Respondent is a banking company registered under Companies Act. and at present it is having 219 branches of which 39 are rural branches. In order to cater to the needs of large customers like colleges, hospitals or major manufacturing units, an extension counter is set up to function under the control of nearby parent branch. In view of the severe competition from foreign and other new generation banks, the Respondent/Bank is obliged to periodically review the performance of every branch and constantly take remedial measures to remove unviable extension counters and loss making branches. Therefore, at the first instance unviable branches are converted into satellite branches attached to nearby branch and unviable extension counters are merged with parent branch. Further, the branch has got part time sweepers in branches having an area of 2000 sq. ft. and above and they are paid part of scale wages namely $\frac{3}{4}$, $\frac{1}{2}$ or $\frac{1}{3}$ rd as applicable to regular sub-staff. In respect of branches having less than 2000 sq. ft. the branches utilises the services of local person invariably a woman and engages them as part time sweepers to attend the cleaning of premises and their working hours are below six hours per week. They were paid consolidated wages of either Rs. 450/ or Rs. 740/ per month depending upon the area of the branch and they are not transferable and they are also not subject to retirement even on reaching the age of superannuation and these part-time sweepers are not entitled to benefits like HRA, DA, CCA etc. in other words, in the case of such part-time sweepers, their services are utilised in pursuance of their occupation and not as an employment. The Respondent/Bank had a branch at Ambhur in North Arcot district. In view of water problem, employees made a complaint that they were affected with water borne disease and in deference to their representation the branch was merged with nearby branch at Vellakuttai and subsequently the merged branch was shifted to Vaniyambadi. Similarly, in 2002 on a review of performance of various branches, Kataikudi EC was merged with Karaikudi branch, Kottayam

EC was merged with Kottayam branch, Hyderabad EC was merged with Hyderabad Abids branch, Rajkot specialised savings branch was merged with Rajkot main branch and Vizag EC was merged with Vizag branch. In respect of branches converted into satellite office all the officers and award staff were accommodated in the nearby branches. Before effecting all these mergers and conversion of branches, permission from Reserve Bank of India was obtained under section 23 of Banking Companies Regulations Act and further permission was obtained from District Consultative Committee. In all these branches, which were subject to merger or conversion, the part-time sweeper were all on consolidated wages and they were not really employed in service of the branches. They could not be accommodated in any of the nearest branches as every branch required only one sweeper and already such branches had sweepers. Hence, as and by way of gesture of goodwill they were paid one month's salary in lieu of notice and compensation calculated at 15 days wages for every completed year of service or part thereof and it cannot be called rationalisation or standardisation. The Respondent/Management has clearly stated merger or conversion of branches with satellite offices the service conditions of award staff were not in any way altered and there was no necessity to issue any notice under section 9A of the I.D. Act. Therefore, exercise of such managerial function does not call for interference at the instance of Petitioner union. The non-engagement of concerned part-time sweepers on consolidated wages had taken place even before the commencement of conciliation, apart from Section 33 not being applicable, there was no conciliation pending at the relevant time. Hence, for all these reasons, the Respondent prays that the claim may be dismissed with costs;

5. In such circumstances, the points for my determination are—

(i) "Whether the action of closure of the branch and retrenchment of workmen by the Respondent/management without following the provisions of Industrial Disputes Act, 1947 is legal and justified?

(ii) To what relief the concerned workmen are entitled?"

Point No. 1:—

6. The contention of the Petitioner Union in this case is that II Party/Management in the name of rationalisation and modernisation had effected several changes to the adverse effect and detriment of service conditions of staff/ members of the Petitioner union i.e. the Respondent/ Management have either converted some branches into satellite branches or closed the branches by merging with nearby branches, even though there was no reason or justification for such conversion or merger. They further alleged that Respondent/Bank has not obtained prior permission from the Reserve Bank of India as per Section 23 of Banking Regulation Act; secondly, even effecting such changes, no notice under section 9A of the Industrial Disputes Act was issued either to the Petitioner union or to concerned workmen. Similarly, the Respondent/Bank have not followed the provisions of Section 25 G of the I.D.

Act, while keeping juniors in service and retrenched the senior part time employees and all the more, even during the pendency of the conciliation without seeking prior permission, they have retrenched the part time sweepers which is illegal and in operative and also violation of Section 33(1)(a) of the I.D. Act.

7. As against this, the Respondent/Management contended that the changes made by the Respondent/Bank cannot be termed as rationalisation or standardisation as mentioned by the Petitioner union. Since the Respondent/Bank is engaged in banking business and since there are severe competition from foreign and other new generation banks, the Respondent/Bank is obliged to periodically review the performance of every branch and constantly take remedial measures to remove unviable extension counters and loss making branches and as a part of that process, at the first instance, unviable branches are converted into satellite branches attached to nearby branches and unviable extension counters are merged with the parent branches. While doing such merger or conversion of branches into satellite branches, all the officers and staff working therein were all accommodated in the nearby branches. Further, before effecting all these conversion and merger, permission was obtained from Reserve Bank of India under Section 23 of Banking Companies Regulation Act. Furthermore, the permission was also obtained from District Consultative Committee for this. Only part time sweepers who were all on consolidated wages, were not really employed in the service of the branches, and who were not accommodated in any of the nearest branches as every branch required only one sweeper and already such branches had sweepers and as and by way of gesture of goodwill they were paid on months salary in lieu of notice and compensation calculated at 15 days wages for every completed year of service or part thereof and they were not retrenched and therefore, this action of the Respondent cannot be called as rationalisation or standardisation. Further, by this merger or conversion of these branches with satellite branches, service conditions of award staff were not altered and therefore, there is no necessity to issue any notice under Section 9A of the I.D. Act. Since there was no closure of the branch and the functioning of the concerned branch whether it be a rural or extension counter is only shifted or merged, it cannot be said that it is closed. Further, the retrenched persons are only part-time sweepers on consolidated wages and their services were utilised in the course of their occupation and not by way of employment in the services of the bank. Therefore, discontinuation of utilisation of their services would not amount to termination of employment much less by way of retrenchment. Even assuming that they were workmen, discontinuation of their services would not amount to termination by way of retrenchment. Further, it is contended that since the Respondent/Bank has complied with the provisions of I.D. Act, no objection can be taken with regard to their cessation of their engagement. No doubt, industrywise awards and Bipartite Settlements apply to various categories of employess including part-time sweepers on consolidation by excluding them to be eligible for allowances as are available to part-time employees on scale of wages on the clear footing that they are not

employees in the services of the bank. Further, the part time employees on consolidated wages are entitled to carry on any occupation or pursue any other services because their hours of work under Respondent/Management is very limited. Therefore, under such circumstances, the action of the Respondent could not amount to rationalisation or modernisation and they have not affected the interest of permanent workmen. Under such circumstances, Petitioner union is not entitled to claim any relief in this industrial dispute. It is the further contention of the Respondent that even the dispute is not properly made by the union and there is no proof to show that a resolution was passed to raise this dispute for the retrenched workmen. It is also their contention that the non-engagement of part time sweepers on consolidated wages had taken place even before the commencement of conciliation, therefore, apart from Section 33 not being applicable, there was no conciliation pending at the relevant time.

8. Though the Petitioner union has raised so many issues with regard to closure/merger/conversion of branches, the Respondent/Bank has not obtained prior permission from the Reserve Bank of India under Banking Regulation Act and not followed the provisions of Section 25G, 25F and so on, at the time of argument, learned counsel for the Petitioner restricted his claim only with regard to Section 9A notice and also Section 33(1)(a) of the I.D. Act.

9. Learned counsel for the petitioner contended that according to Section 9A of the I.D. Act, no employer who proposes to effect any change in the conditions of service applicable to any workmen in respect of any matter specified in 4th schedule shall effect such change without giving notice. Further, without giving to the workmen likely to be affected by such a change, a notice in the prescribed manner of proposed to be effected or within 21 days of giving such notice, it amounts to various change in condition of service of workmen under item 10. In the 4th Schedule of I.D. Act it mentions therein that various conditions of service of workmen in which item 10 says 'rationalisation, standardisation, of improvement of plant or technique likely to lead to retrenchment of workmen and any increase or reduction (other than casual) in the number of persons employed or to be employed in any occupation or process or department or shift (not occasioned by circumstances over which the employer has no control). Learned counsel for the Petitioner relying on this section and also the schedule submits that in several judgements, the Supreme Court has stated that standardisation can be of anything, not necessarily of wages and it may be standardisation of workload, standardisation of product, standardisation of working hours, standardisation of leave privileges. The whole question whether this reorganisation falls under item 10 depends upon whether it was likely to lead to retrenchment of workmen. Therefore, if the proposed scheme of rationalisation has a likelihood of rendering existing workmen surplus and liable to retrenchment then item No. 10 of Schedule IV would squarely get attracted and would require as a condition precedent to introduction of such a scheme a notice to be issued under Section 9A by the management proposing such an introduction of scheme of rationalisation. Further, he argued that in this

case, though the the Respondent contended that by closing of certain branches they have attached it to nearby branches or merging the same with the parent branches, by this action of the Respondent the services part time employees of the Respondent/Bank have been retrenched. It is established before this court by the Petitioner's documents that part time workers of the branch namely sweepers have been retrenched by the Respondent/Bank. Though the Respondent/Bank has stated so many reasons for doing this, since they have not followed the provisions under Section 9A of the Act, it is not valid in law. Further, even while the conciliation proceedings were pending before the conciliation officer, it was admitted by the Respondent witness that they have introduced this merger in several other branches which is in violative of Section 33. Under such circumstances, the action made by the Respondent/Management is illegal and violative of mandatory provisions of the I.D. Act, and therefore, not valid in law.

10. Though the Respondent/Management has made several allegations that these part time employees are not regular employees and they were not appointed by the Respondent/Bank and they were only engaged on casual basis, it cannot be contended that they are workmen of Respondent/Bank because even in the judgement reported in 2001 3 SCC 36 INDIAN BANKS ASSOCIATION Vs. WORKMEN OF SYNDICATE BANK AND OTHERS, the Supreme Court has held "*though the commission agents/deposit collectors of banks were not regular employees, nonetheless covered, the relationship of master and servant did exist between the bank and such of persons on commission.*" Under such circumstances, since without following the provisions of Section 9A of the Act, the Respondent/Management cannot introduce this scheme and therefore, the same is illegal. It is the further contention of the learned counsel for the Petitioner that standardisation and rationalisation by itself would not fall under Item 10, unless it is likely to lead to retrenchment of workmen. In this case, since the part time workmen have been retrenched and since the Respondent/Bank has rationalised their services, definitely they have to issue a notice under Section 9A of the Act. For this, the counsel for the Petitioner relied on rulings reported in 1973 1 LLJ 427 unreported case in W.P. No. 33982/2002 dated 10-3-2003 of Madras High Court and 1999 II LLJ 600 LOKMAT NEWSPAPERS PVT. LTD. Vs. SHAN KARPRASAD and in 1973 1 LLJ 427 WORKMEN Vs. HINDUSTAN LEVER LTD. the Supreme Court has held that "*the non-payment of wages amounted to in the circumstances of the case to an alteration in the conditions of service, (ii) the fact the scheme was introduced before reference under section 10 made does not bar an application under section 33A & (iii) that the Tribunal was justified in coming to the conclusion that the alteration in conditions of service could not have been made without issuing notice under Section 9A.*" In the unreported case of Madras High Court, Mr. S. SARVANAN & OTHERS Vs. JOINT REGISTRAR OF CO-OP. SOCIETY AND OTHERS wherein the Writ Petitioners were appointed as ledger clerks in the 2nd Respondent society in the year 2000. The Respondent stating that as per the norms fixed with regard to cadre strength sanctioned in the society and having regard to the fact that due to

mechanism and computerisation, there is not need to employ as many ledger clerks as are now in service and the society retrenched the Petitioners by adopting the principle 'last come first go'. In that case, the Respondent/Society argued that even in the impugned order it is specifically stated that due to mechanisation and computerisation, the Society is not in need of as many ledger clerks as are in service. The submission of the Respondent counsel appearing for society is that the impugned proceedings cannot be treated as being passed under Section 9A of the Act cannot be accepted. In such a case, retrenchment of workmen is made on the basis of standardisation and it amounts to change in conditions of service and therefore, the contention of the Petitioners was upheld. In the third case, Lokmat Newspapers Pvt. Ltd. Vs. Shankarprasad, the Supreme Court has held that "*if the proposed scheme of rationalisation has a likelihood of rendering existing workmen surplus and liable retrenchment then item No. 10 of Schedule IV would squarely get attracted and would require as a condition precedent to introduction of such a scheme a notice to be issued under Section 9A by the management proposing such an introduction of scheme of rationalisation. But if the proposed scheme is not likely to displace any existing workmen then mere rationalisation which has not nexus with the possibility of future retrenchment of workmen would not attract item No. 10 of Schedule IV and would remain a benign scheme of rationalisation having no pernicious effect on the existing working staff.*" In this case, though the Respondent contended that the Respondent/Bank has reorganised their branches since the part time employees were retrenched by the management for introduction of the said scheme, a notice is required to be issued under Section 9A of the I.D. Act.

11. As against this, the learned counsel for the Respondent contended that no notice under Section 9A is mandatory, if the scheme of standardisation is going to lead retrenchment of workmen. But, in the present case the bank has only reorganised their work by means of that reorganisation, unviable branches are converted into satellite branches attached to nearby branch and unviable extension counters are merged with the parent branches. By this action, no one can say that it amounts to rationalisation or standardisation and thereby the same requires notice under Section 9A. The Respondent/Bank has not introduced any new process or a better method of working, in place of earlier process or method. Even in rulings reported in 2004 3 LLN 952 ALARSIN AND ALARSIN MARKETING EMPLOYEES' UNION Vs. ALARSIN PHARMACEUTICALS & ALARSIN MARKETING PVT. LTD. AND ANOTHER, the Bombay High Court has clearly stated that "*discontinuation of process in which the workmen represented by a union were working and this would not by itself lead to conclusion that Section 9A notice was required to be issued. When there is a discontinuation of a process without introduction of a new or better process in its place, it would not amount to rationalisation or standardisation. The discontinuation of process by itself may be on account of economic reasons or due to non-availability of raw material etc. When there is no*

introduction of new process or a better method of working in place of the earlier process or method, it would not amount to rationalisation or standardisation." In this case, though it is alleged that part time employees were retrenched, they are not part time employees on scale wages and they are part time sweepers attending cleaning of premises and their working hours are below six hours per week and they were paid consolidated amount of either Rs. 450/- or Rs. 750/- per month depending upon the area of the branch and their positions are not liable to be transferred and they are not subject to retirement, even on reaching the age of superannuation. These part time sweepers on consolidated wages are not entitled to benefits like DA, HRA, CCA etc. In other words, in the case of such part time sweepers, their services were utilised in pursuance of their occupation and not as an employment and under such circumstances, it cannot be said that 9A notice is must in this case before effecting the retrenchment. Learned counsel for the Respondent further contended that mere retrenchment is not unlawful or illegal, even there is a provision under I.D. Act and also in Bipartite Settlement for retrenchment of workmen and in this case, the Respondent/Bank has followed the provisions of Section 25F of the I.D. Act before retrenching these part time sweepers. Though the Petitioner alleged that Respondent had not followed the provisions of Section 25G and so on, it is not established before this Tribunal that they have not followed the said provisions. Therefore, retrenchment of these part time sweepers had become inevitable.

12. Though, I find some force in the contention of the learned counsel for the Respondent, in this case, even while the Reserve Bank of India under Ex. W3 stated that such change would amount to rationalisation of the banking industry and by such closure or transfer, the workmen of the Respondent/Bank namely part time employees have been retrenched from the service of the bank, I find notice under section 9A is a must and therefore, without following the mandatory provisions, the effect made by the Respondent/Bank is not legal.

13. Then, the learned counsel for the Respondent contended that this dispute was not properly espoused by the Petitioner union and they have not produced any document to show that members of the Petitioner union have passed a resolution or resolved by the office bearers permitting the union to represent their cause of retrenched part time employees and therefore, since the dispute is not made properly, this cannot be a dispute at all and under such circumstances, it is not maintainable before this Tribunal. But, I find this stand has not been taken before the lower forum or before conciliating authorities. Therefore, I find there is no merit in the contention of the learned counsel for the Respondent. As such, I find this point in favour of the Petitioner.

Point No. 2 :—

The next point to be decided in this case is to what relief, the Petitioner is entitled?

14. In view of my foregoing findings that the action of the Respondent/Management in closing some of the rural branches and also extension counters of the branches

and retrenched the part time sweepers without following the provisions of I.D. Act is not legal, I find the concerned employees mentioned in the petition are entitled to be reinstated in service and the Respondent/Bank is directed to reinstate them into service without any back wages. No Costs.

15. The reference is answered accordingly.

(Dictated to the P.A., transcribed and typed by him, corrected and pronounced by me in the open court on this day the 2nd November, 2005.)

K. JAYARAMAN, Presiding Officer

Witnesses Examined :—

For the I Party/ : WW1 Sri V. Krishnamurthy
Petitioner

For the II Party/ : MW1 Sri S. Balasubramanian
Management

Documents Marked :—

For the the I Party/Petitioner :—

Ex. No.	Date	Description
W1	Nil	Xerox copy of the relevant portion of Bipartite Settlement Regarding service conditons of part time employees.
W2	Nil	Xerox copy of the Section 23 of Banking Regulation Act.
W3	Nil	Xerox copy of the Directions of RBI regarding Sweeping and closing of bank premises.
W4	10-08-02	Xerox copy of the letter from union to Respondent Demanding reinstatement of part time workmen.
W5	27-08-02	Xerox copy of the reply given by Respondent/Bank.
W6	28-08-02	Xerox copy of the application to RLC raising industrial dispute.
W7	28-09-02	Xerox copy of the remarks filed by Respondent.
W8	18-10-02	Xerox copy of the representation from union to RLC.
W9	01-10-02	Xerox copy of the letter from union to RLC.
W10	07-10-02	Xerox copy of the order of reference issued by Ministry, Regarding Tokyo Mitsubishi Bank.
W11	29-10-02	Xerox copy of the submission made by Union before RLC.
W12	13-01-03	Xerox copy of the Complaint by union to RLC.
W13	25-02-03	Xerox copy of the failure of conciliation report.
W14	20-04-94	Xerox copy of the letter from RBI to Respondent/Bank.

Ex. No.	Date	Description
W15	01-05-76	Xerox copy of the IBA Bulletin Vol. V.
W16	Nil	Xerox copy of the Chapter III of Break Even Analysis & Transfer Price Mechanism.
W17	Nil	Xerox copy of the list of Direct Agricultural Advance.
W18	Nil	Xerox copy of the RBI Act, 1934 Sec. 42(6)(b)(ii).
W19	Nil	Xerox copy of the RBI Act, 1934 Section 54AA.

For the II Party/Management:-

Ex.No.	Date	Description
M1	24-05-00	Xerox copy of the letter from RBI to Respondent granting permission for closure of Ambur Branch.
M2	29-12-00	Xerox copy of the letter from RBI to Respondent granting permission for closure of Karaikudi EC.
M3	03-01-01	Xerox copy of the letter from RBI to Respondent granting permission for conversion of Perumbakkam Branch as satellite office.
M4	11-04-01	Xerox copy of the letter from RBI to Respondent granting permission for conversion of Uppukottai Branch as satellite office.
M5	03-05-01	Xerox copy of the letter from RBI to Respondent Granting permission for closure of Hyderabad EC.
M6	17-05-01	Xerox copy of the letter from RBI to Respondent granting permssion for closure of Kottayam EC.
M7	24-08-01	Xerox copy of the letter from RBI to Respondent granting permission for conversion Of Umayalpuram Branch as satellite office.
M8	27-08-01	Xerox copy of the letter from RBI to Respondent granting permission for conversion of Markayankotai Branch as satellite office.
M9	05-08-02	Xerox copy of the letter from RBI to Respondent graning permission for closure of Rajkot specialized branch.
M10	Nil	Xerox copy of the proceedings of District Consultative Committee meeting granting permission for conversion of Perumbakkam Branch as satellite office.
M11	14-11-00	Xerox copy of the proceedings of District Consultative Committee meeting granting permission for

Ex. No.	Date	Description	नई दिल्ली, 6 जनवरी, 2006
		conversion of Uppukottai Branch as satellite office.	का. आ. 370.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार स्टेट बैंक आफ इण्डिया के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, चेन्नई के पंचाट (संदर्भ संख्या आईडी-33/2005) को प्रकाशित करती है, जो केन्द्रीय सरकार को 6-01-2006 को प्राप्त हुआ था।
M12	Nil	Xerox copy of the proceedings of District Consultative Committee meeting granting permission for conversion of Umayalpuram branch as satellite office.	[सं० एल-12012/276/2004-आई.आर. (बी-1)] अजय कुमार, डैस्क अधिकारी
M13	Nil	Xerox copy of the proceeding of District Consultative Committee meeting granting permission for conversion of Markayankottai Branch as satellite office.	New Delhi, the 6th January, 2006
M14	Nil	Xerox copy of the extract of Bipartite Settlement provisions relating to part time Sweepers.	S.O. 370.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (ID-33/2005) of the Central Government Industrial Tribunal /Labour Court, Chennai now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of State Bank of India and their workmen which was received by the Central Government on 6-01-2006.
M15	26-11-92	Xerox copy of the settlement between Respondent/Bank and union regarding payment of wages to part time Sweeper.	[No. L- 12012/276/2004-IR(L-1)] AJAY KUMAR, Desk Officer
M16	27-11-00	Xerox copy of the bank circular for closure of Karaikudi EC.	ANNEXURE
M17	18-12-00	Xerox copy of the bank circular for closure of Ambur Branch.	BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL- CUM-LABOUR COURT, CHENNAI
M18	24-03-01	Xerox copy of the circular of Bank for conversion of Perumbakkam branch as satellite office.	Wednesday, the 16th November, 2005
M19	06-04-01	Xerox copy of the bank circular for closure of Hyderabad EC.	PRESENT:
M20	18-06-01	Xerox copy of the circular of bank for conversion of Uppukottai branch as satellite office.	K. JAYARAMAN, Presiding Officer
M21	27-07-01	Xerox copy of the bank circular for closure of Kottayam EC.	Industrial Dispute No. 33/2005
M22	28-12-01	Xerox copy of the circular of Bank for conversion of Umayalpuram Branch as satellite office.	(In the matter of the dispute for adjudication under clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), between the Management of State Bank of India and their workmen).
M23	03-04-02	Xerox copy of the Circular of Bank for conversion of Markayankottai Branch as satellite office.	BETWEEN
M24	17-06-02	Xerox copy of the Circular of Bank for merger of Rajot Specialized S.B. Branch.	Sri N. Prakash Rao : I Party/Petitioner
M25	04-09-02	Xerox copy of the notice dated 4-9-02 issued by Assistant Commissioner of Labour (Central).	AND
M26	25-02-03	Xerox copy of the failure of conciliation report.	The Deputy General Manager, : II Party/Management State Bank of India, Chennai.
			APPEARANCE:
			For the Petitioner : M/s. A.K. Palanichamy, Advocates
			For the Management : Mr. V.R. Gopalarathnam, Advocate

AWARD

The Central Government, Ministry of Labour vide order No. L-17012/13/2004-IR(B-I) dated 17-8-2004 has referred this industrial dispute to this Tribunal for adjudication. The date on which it was made in that order is:—

"Whether the claim of Shri P. Prabhakar that he was engaged by the management of New India Assurance Co. Ltd. as a sub-staff member during the period from 17-6-1988 to 16-6-2001 is justified? If not, to what relief the action of the management in terminating the services of Sri P. Prabhakar with effect from 12-6-2001 is justified and what relief he is entitled to?"

2. After the receipt of the reference, it was taken on file as I.D. No. 406/2004 and notices were issued to both the parties and the I party in person appeared and filed the Claim Statement and the II Party/Management entered appearance and filed their Counter Statement.

3. When the matter was taken up for enquiry, the Petitioner has not appeared before this Court and there was no representation on his behalf. In spite of several adjournments, neither the Petitioner nor his counsel appeared before this Court. Hence, the Petitioner is called absent and the matter is decided.

4. On the basis of the above, I find the Petitioner has not substantiated his claim and as such, he is not entitled to any relief.

5. Thus, the reference is disposed of accordingly.

(Dictated to the P.A., transcribed and typed by him, corrected and pronounced by me in the open court on this day the 16th November, 2005).

K. JAYARAMAN, Presiding Officer

Witnesses Examined :

On either side : None

Documents Marked :

On either side : Nil

दिनांक, 6 जनवरी, 2006

का. आ. 371-1- औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार न्यू इंडिया एमरेंस कॉर्पोरेशन लिमिटेड के संबद्ध नियोजकों और उनके कर्मचारियों के बीच, आयुक्त के निर्देश औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक विवाद अधिनियम, 1947 के अन्तर्गत, चेन्नई के पंचाट (संदर्भ संख्या आईडी-406/2004) को प्रकाशित करती है, जो केन्द्रीय सरकार को 6-1-2006 के दिनांक पर था।

[No. L-17012/13/2004-IR(B-I)]

अजय कुमार, डेस्क अधिकारी

दिनांक, 6 जनवरी, 2006

S.O. In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (ID-406/2004) of the Central Government Industrial Tribunal/Labour Court of Chennai in relation to the dispute between the employers in relation to the management of New India Assurance Co. Ltd. and their

workmen, which was received by the Central Government on 6-1-2006.

[No. L-17012/13/2004-IR(B-I)]

AJAY KUMAR, Desk Officer.

ANNEXURE

**BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-
CUM-LABOUR COURT, CHENNAI**

Tuesday, the 4th October, 2005

PRESENT : K. JAYARAMAN, Presiding Officer

INDUSTRIAL DISPUTE NO. 406/2004

(In the matter of the dispute for adjudication under clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), between the Management of New India Assurance Company Ltd. and their workmen)

BETWEEN

Sri P. Vijayaraghunathan : I Party/Petitioner

AND

The Assistant General Manager,
The New India Assurance
Company Ltd. Chennai : II Party/Management

APPEARANCE :

For the Petitioner : M/s. Row & Reddy &
W.T. Prabhakar,
Advocates

For the Management : Mr. P. Sukumar,
Advocate

AWARD

The Central Government, Ministry of Labour vide Order No. L-17012/13/2004-IR (B-I) dated 17-8-2004 has referred this industrial dispute to this Tribunal for adjudication. The Schedule mentioned in that order is:—

"Whether the action of the management of The New India Assurance Co. Ltd. in not providing employment after 16-6-2001 to Shri P. Vijayaraghunathan is justified? If not, to what relief he is entitled to?"

2. After the receipt of the reference, it was taken on file as I.D. No. 406/2004 and notices were issued to both the parties and both the parties entered appearance through their advocates and filed their claim Statement and Counter Statement respectively.

3. The allegations of the Petitioner in the Claim Statement are briefly as follows:—

The Petitioner joined the services of Respondent Insurance Company as a sub-staff at Kancheepuram branch office from November, 1988. The Petitioner has worked for 287 days during this period. Some of his colleagues who were engaged as a temporary sub-staff were regularised in permanent posts, whereas in spite of his several requests, the Respondent/Management had failed to regularise or grant permanent status to the Petitioner, instead they terminated the service of the Petitioner from 16-6-2001. He

was not paid any compensation nor any notice. Therefore, the termination of the Petitioner from service by the Respondent is illegal and contrary to the provisions of Section 25F of the Industrial Disputes Act. Hence, for all these reasons, the Petitioner prays to pass an award holding that his termination by the Respondent/Management is illegal and he is entitled to the relief of reinstatement in service with continuity of service, back wages and other attendant benefits.

4. As against this, the Respondent in its Counter Statement contended that the services of the Petitioner was only utilised for doing miscellaneous work like cleaning works etc. whenever it was required and was paid on daily basis on the days he was given work for such specific work. At no point of time his services was utilised for more than 240 days in a block of 12 calendar months as claimed by the Petitioner. It is not true to say that persons who were doing similar work like the Petitioner were regularised in permanent posts.

The appointment of sub-staff cadre in case of requirement is done only by calling for eligible candidates from the Employment Exchange and not by absorbing the persons like the Petitioner and this Respondent has recruited the sub-staff only by following the procedure laid down by the rules and following the guidelines given by the Head Office. It is not open to the Petitioner to claim permanent service by claiming for reinstatement just because he was utilised by the Respondent intermittently to do certain miscellaneous work and even by chance such entrustment did not exceed 240 days. Hence, for all these reasons, the Respondent prays to dismiss the claim of the Petitioner with costs.

5. Under these circumstances, the points for my consideration are—

- (i) "Whether the action of the Respondent/Management in not providing employment after 16-6-2001 to the Petitioner is justified?"
- (ii) "To what relief the Petitioner is entitled?"

Point No. 1:—

6. In this case, the Petitioner contended that he has worked for more than 240 days in a continuous period of 12 calendar months preceding his termination. Therefore, the burden of proving that he has completed more than 240 days is upon the Petitioner. To substantiate his contention, the Petitioner has examined himself as WW1 and produced ten documents. On the other hand, the Respondent examined two witnesses namely one Mr. Gandhi, Assistant Administrative Officer of the Respondent and one Mr. Raman, Administrative Officer working in the Respondent/Management. On the side of the Respondent no document has been produced.

7. I will see whether the Petitioner has established before this Tribunal that he has completed more than 240 days in a continuous period of 12 calendar months?" IN his evidence, the Petitioner alleged that he joined the Respondent/Management in the year 1998. Till 1992, he worked for more than 287 days in a continuous period and he further alleged that persons, who had worked along

with him were made permanent and they were not sponsored by Employment Exchange. Again the Respondent/Management has engaged him temporarily till 1998 and he has not mentioned this in his Claim Statement due to oversight. From April, 2000 to June, 2001 he has worked for more than 240 days without any break and they had paid Rs. 50/- for regular days and during holidays they have paid Rs. 100/- Thus, he has worked for more than 308 days before the date of his termination. He has produced copy of letters written to Branch Manager in the year 1996, which is marked as Ex. W1. Similarly, in the year 1997, he has addressed the letter to the Respondent/Management, copy of which is marked as Ex. W2. On 24-2-97 he has made a representation to Respondent, copy of which is marked as Ex. W3. In all these letters, he has stated that he may be appointed in leave vacancy and it was so mentioned as per the direction of the Branch Manager. He Further stated that there was no leave vacancy and permanent vacancy was available. Further, he stated that on 18-6-2001 he sent a letter to Chairman & Managing Director, copy of which is marked as Ex. W4. He marked a copy of the letter sent to he Regional Office as Ex. W5. He has produced a statement showing list of days he was employed by the Respondent/Management and the same is marked as Ex. W6. He produced some of the copy of vouchers which were in his possession and marked the same as Ex. W7 series. He has given work as sub-staff and not as miscellaneous work. he has also produced copy of letter written by the Branch Office to Divisional Manager dated 1-12-2000 which is marked as Ex. W8. Similarly, he produced another copy of letter dated 3-1-2001 written by Divisional Office to Regional Office, Chennai which is marked as Ex. W9. He has also produced official correspondence dated 7-3-2001 written by the Divisional Manager to Regional Office, which is marked as Ex. W10. The Petitioner contended that in all these letters namely Ex. W8, W9 and W10 Kancheepuram office of the Respondent recommended his regularisation to the Regional Office, but subsequently the Regional Office dropped by him not regularising his services.

8. Learned counsel for the Petitioner contended that even though the Petitioner has not stated certain facts in his Claim Statement, he has averred in his oral evidence, which cannot be simply rejected because even the Supreme Court in a case reported in 1964 I.L.J. 737 TANDUR & NAVANDGI STONE QUARRIES PVT.LTD. VS. THEIR WORKMEN held that "*In industrial adjudication, Tribunals are naturally reluctant to apply the law of pleadings in all its strictness, and the fact that all the facts of the question in reference to the character of the labourer's employment were not set out by the Respondent in their written statement, cannot be said to affect the credibility of the evidence led by them in the oral evidence.*" Because the Petitioner has not stated with his facts of employment in the Claim Statement, his statement in this Court cannot be rejected in toto. On the other hand, he has not made the same in the Claim Statement. As the Petitioner has produced documents to show that he has worked for more than 240 days. Further, the witness examined on the side of the Respondent, namely Mr. Gandhi MW1 has stated that as per their record, the Respondent he

worked for 191 days, but they have not produced any document to show this fact as a proof. Even assuming for argument sake that he has completed 191 days, if we take/include holidays namely Sundays and all Govt. holidays namely 52 days, it would come more than 240 days and in such circumstances, the Court can take cognisance that the Petitioner has completed 240 days in a continuous period of 12 calendar months and in such circumstances, the Respondent has not followed the mandatory provisions of Section 25F of the I.D. Act, and therefore, the termination of Petitioner by the Respondent/Management is illegal and *ab initio void*. Under such circumstances, the Petitioner is entitled to reinstatement in service with all attendant benefits.

9. Learned counsel for the Petitioner further relied on the rulings reported in 2003 2 LLJ 110 management of Agricultural Research Station, Tamil Nadu Agricultural University Vs. Controlling Authority under payment of Gratuity Act, wherein the Madras High Court has come to a conclusion that "*to expect them to come out with documentary proof of their having worked for more than 240 days in a year or for more than 32 years was not proper. On the other hand, the Petitioner did not produce records despite notice given to it for production of the same. An adverse inference had therefore, to be drawn against the Petitioner.*" In this case, the Petitioner has issued a notice to produce document. Under such circumstances, the Respondent who is the authority having records has not producing the same before this Court and therefore, an adverse inference is to be drawn in such circumstances of the case. Learned Counsel further relied on the rulings reported in 2004 1 LLN 532 RADHARAMAN SAMANTA Vs BANK OF INDIA & OTHERS wherein the Supreme Court has held that "*as the appellant had rendered service for more than 240 days in a block of 12 months, he had a legal right to be absorbed in terms of Bipartite Settlement published in Circular No. XVIII/90/20 dated 7-9-90 of the Federation of Banks.*" The next decision relied on by the learned counsel for the Petitioner is reported in 1993 1 LLJ 1122 NEW INDIA ASSURANCE CO. LTD. Vs. K. ABDULLAKUTTY & ORS. wherein the Kerala High Court has held that "*provisions of Evidence Act are not made applicable to the proceedings before the Commissioner, however, the principles of natural justice apply. The question for consideration in the circumstances is whether the provisions of Evidence Act would apply to a proceeding before quasi-judicial Tribunal like the Commissioner. The provisions of Evidence Act are not made applicable to a proceeding before the Commissioner functioning under the Act. The administrative and quasi judicial proceedings are not fettered by technical rules of evidence and the Tribunals are entitled to act on materials which may not be accepted as evidence in a Court of Law. But, they should adhere to rules of natural justice.*" It further held that "*Evidence Act has no application to enquiries conducted by Tribunals even though they may be judicial in character, it was stated that they should observe rules of natural justice.*" In this case, though the learned counsel for the Respondent objected for making of documents Ex. W8 to W10 which are office correspondence between the branch office and Divisional/Regional Offices of the Respondent/

Management, the Petitioner has issued notice to the respondent to produce documents and also filed an I.A. to produce the internal correspondence between the Regional Office and Branch office. But the Respondent/Management has not produced the same on the ground that the said documents are not available. Therefore, Ex. W8 to W10 were marked, which are the copies of documents. Even though these documents are copies, since the original documents are with the other side and the other side has not produced these documents, the said documents can be relied upon by this Tribunal. Further, in these documents, it is mentioned that the particulars given by the Petitioner with regard to his work before the Respondent/Management had been accepted. Under such circumstances, it is clearly established that the Petitioner has worked for more than 240 days and that is why the Branch Office had recommended his case for regularisation. The Regional Office had also verified the same and advised the Branch Office to take further steps, but for the reasons best known to them, the Respondent has not regularised the services of the Petitioner. On the other hand, they have terminated the service of the Petitioner without following the mandatory provisions of ID Act. Learned counsel for the Petitioner further contended that though it was contended on behalf of the Respondent that before appointing a sub-staff in their office they have to follow certain procedures and they have to call for a list from the Employment Exchange and then only they have to appoint a sub staff. But on the other hand, the Petitioner has established through his evidence that more than ten persons have been appointed before him, who were not sponsored through Employment Exchange and further for appointment of class IV employees, they need not call for a list from the Employment Exchange and the said fact was upheld by the Supreme Court and various High Courts and in such circumstances, only to substantiate their contention that the termination is valid, they have stated that the appointment is irregular and the Petitioner was not sponsored through Employment Exchange. Further he relied on the rulings reported in 2001 3 LLN 820 DEEP CHANDRA Vs. STATE OF UTTAR PRADESH AND ANOTHER wherein the Supreme Court has held that "*when an employee had put in more than 240 days of service for several years his services cannot be put to an end without following the procedure under section 25F of the Act.*" In this case since the Petitioner has established the fact that he has completed more than 240 days in a continuous period of 12 calendar months before his termination and since the Respondent has not followed the mandatory provisions under Section 25F of the ID Act, the Petitioner is entitled to be reinstated in service.

10. On the other hand, learned counsel for the Respondent contended that the Petitioner though alleged that he has completed 240 days service, he has not produced any valid document to substantiate his contention. The Petitioner has relied on vague inferences to the drawn in the circumstances shown by him and these circumstances cannot prove his contention. Further, he relied on the rulings reported in 2005 1 LLJ 343 UNION OF INDIA AND OTHERS Vs. ILANGO wherein the Division

Bench of the Madras High Court has held that "termination of service of daily rated labourers is not illegal as their appointments were not against the sanctioned posts and further mere completion of 240 days work did not entitle them to regularisation, especially as their initial entry was unauthorised and not against the sanctioned post or vacancy." Relying on this decision learned counsel for the Respondent contended that since the Petitioner was appointed only on daily rated basis and only for the miscellaneous work on need basis, he cannot contend that he has completed more than 240 days in a continuous period of 12 calendar months and further, he cannot contend that he worked as a sub-staff. Though the Petitioner has produced certain copies of internal correspondence, which will not prove that he has worked for more than 240 days in a continuous period of 12 calendar months. Further, his initial appointment was unauthorised and he was not appointed against any sanctioned post or vacancy. Under such circumstances, he cannot claim reinstatement or regularisation in the service of Respondent/Management.

11. Though I find some point in the contention of the learned counsel for the Respondent, in this case, I find the Respondent has not produced material documents available with them and they have taken the stand not to produce these documents namely original of Ex. W8 to W10, which clearly shows that the list of number of days worked by the Petitioner, produced by him, is true and the Branch Office of the respondent has recommended for regularisation in service by admitting that the Petitioner has worked for more than 191 days in a continuous period of 12 months, we can safely rely on the evidence of the Petitioner that he has worked for more than 240 days in a period of 12 calendar months taking into account the Govt. holidays and Sundays prior to his termination. Under such circumstances, I am of the view that the Petitioner has completed more than 240 days in a continuous period of 12 calendar months and since the Respondent/Management has not followed the procedure laid down under section 25F of the Industrial Disputes Act, the termination of the Petitioner from service is illegal and therefore, I find this point in favour of the Petitioner namely the action of the Respondent/Management in not providing employment to the Petitioner after 16-6-2001 is not justified.

Point No. 2 :

The next point to be decided in this case is to what relief the concerned employee is entitled ?

12. In view of my foregoing findings, I find the Petitioner is entitled to reinstatement in service as a temporary sub-staff with continuity of service and other attendant benefits and with regard to backwages, there is no evidence that the Petitioner has all along without any employment during these long number of years and there is also no evidence on the Respondent side that the Petitioner has employed elsewhere during these period. Anyhow, in the interest of justice, I find half of the back wages is to be awarded to the Petitioner. Under such circumstances, I find the Petitioner is entitled for reinstatement in service as a temporary sub-staff and he is entitled to continuity of service and with regard to back-

wages, he is entitled to half of the backwages. Ordered accordingly, No Costs.

13. Thus, the reference is answered accordingly.

(Dictated to the PA transcribed and typed by him, corrected and pronounced by me in the open court on this day the 4th October, 2005).

K. JAYARAMAN, Presiding Officer

Witnesses Examined :

For the I Party/Petitioner : WW1 Sri P. Vijaya Raghunathan
For the II Party/Management : MW1 Sri S. Gandhi
MW2 Sri R. Raman

Documents Marked :

For the I Party/Claimant :

Ex. No.	Date	Description
W1	5-11-96	Xerox copy of the letter from the Petitioner to Respondent
W2	5-8-97	Xerox copy of the letter from Petitioner to Respondent requesting for appointment
W3	24-2-97	Xerox copy of the letter from Petitioner to Respondent Requesting for appointment
W4	18-6-01	Xerox copy of the letter from Petitioner to Respondent Requesting for appointment
W5	27-6-01	Xerox copy of the letter from Petitioner to Respondent Requesting for appointment
W6	Nil	Xerox copy of the statement showing list of dates the Petitioner was employed by the Respondent/Management
W7	Nil	Xerox copy of the statement showing number of days The Petitioner was engaged by Respondent
W8	1-12-00	Xerox copy of the internal correspondence of Respondent (regularising of Petitioner as a sub-staff for 1992-98)
W9	3-1-01	Xerox copy of the internal correspondence.
W10	7-3-01	Xerox copy of the internal correspondence.

For the II Party/Management : Nil.

नई दिल्ली, 6 जनवरी, 2006

का. आ. 372:— औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार स्टेट बैंक ऑफ इण्डिया के पबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण पटना के पंचाट [संदर्भ संख्या 24(सी)/2003] को प्रकाशित करती है, जो केन्द्रीय सरकार को 6-1-2006 को प्राप्त हुआ था।

[सं० एल-12012/8/2003-आई.आर. (बी-1)]

अजय कुमार, डैस्क अधिकारी

New Delhi, the 6th January, 2006

S.O. 372.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award [(24(c)/2003)] of the Industrial Tribunal Patna now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of State Bank of India and their workman, which was received by the Central Government on 6-01-2006.

[No. L-12012/8/2003-IR(B-1)]

AJAY KUMAR, Desk Officer

ANNEXURE

BEFORE THE PRESIDING OFFICER INDUSTRIAL TRIBUNAL PATNA

REFERENCE CASE NO. 24(C) OF 2003

The Chief Manager, State Bank of India, Darbhanga and their workman represented by the General Secretary, State Bank of India Employees Union, 215, Ashoka Place, Exhibition Road, Patna.

For the Management	: Shri Sunil Kumar Upadhyay, Asstt. Manager, (Law).
For the Workman	: Shri G. K. Verma, General Secretary, S.B.I. Employees Union Exhibition Road, Patna.

PRESENT:

Om Prakash Sinha, Presiding Officer, Industrial Tribunal, Patna.

AWARD

The 24th December, 2005

By the adjudication order No. L-12012/2003-IR(B-1) dated 27-5-2003 the Government of India, Ministry of labour New Delhi has referred under Clause (d) of sub-section (1) and sub-section (2A) of section 10 of the Industrial Disputes Act 1947 (hereinafter to be referred to as the Act), the following dispute between the Chief Manager State Bank of India, Darbhanga and their workman represented by the General Secretary, State Bank of India Employees' Union for adjudication to this Tribunal:

"Whether the action of the Management of State Bank of India, Darbhanga in not regularising the services of Sri Vinod Kumar Jha, Generator Operator is legal and justified? If not what relief he is entitled to?"

2. On receipt of notice both the parties appeared before this Tribunal and filed their Written Statements.

3. The case of the workman, as it appears from their Written Statement filed on its behalf, is as follows:—

(i) That due to regular and prolonged Electric Power Disruption in Darbhanga Town, the Management of the S.B.I. Darbhanga installed a Captive Power Plant of its own in April 1992. For the operation of the Generator it required (1) Electric Generator Operator-cum-Captive Power Plant Attendant at Darbhanga Branch of S.B.I. For selection of a good Operator interview was taken and the workman Vinod Kumar Jha was selected for this post. That no appointment letter was issued by the management in pursuance of anti-labour practice and he was served with letter No. BM/23 dated 29th April, 1992, whereby the workman was informed about his selection as the operator of the Diesel Generating Set from 1st May, 1992 on a monthly remuneration of Rs. 1200. As per this letter he was required to work during the entire working hours of the Bank. He was also asked to work beyond usual working hours and also on Holidays if required due to exigencies of work without any extra remuneration or over time wages. From this letter it appeared that the post was permanent and payment of small wages was temporary only for first three months. This post falls under the subordinate cadre of the Bank with regular wage scale and other allowances. The workman's duties included daily lifting of water to the over Head Tank for Storage of drinking water for consumption by the staff as well as work as Electrician at the Branch. This Generator Operator worked under the Control and Supervision of named members of Award Staff and Officers posted at Darbhanga Branch. This workman was not allowed to mark his attendance in the Branch Staffs Attendance Register on the ground that his attendance was already marked in the Log-Book of Generator operation by others. It would appear from the said Log Book that the workman worked for more hours than the other employees of subordinate cadre. The workman was paid conveyance charges for bringing Diesel from market for use in the Generator Set.

(ii) It is further case of the workman that even after lapse of three months the workman still used to be paid a meagre sum of Rs. 1200/- per month instead of the subordinate scale which was to tune of Rs. 2750/- to Rs. 5850/- Special Allowance of Rs. 858/- to work as Electrical Plant Attendants. He was also denied regular wage scale D A. and other permissible allowance which he was entitled to. In 1997 the workman became a member of the Sponsoring Union-State Bank of India Employees' Union (Bihar State) in 1997. It is stated that thereafter the workman and the local unit of the Union requested the management for payment of regular subordinate Staff Wage Scale and other service conditions attached to the post, but the management verbally denied the request on the ground that the concerned workman was contract labour and therefore he was not eligible to the Bank's Wages and other benefits. It is the further case of the workman that the Bank Management does not have a license for employing Contract Labour nor its Darbhanga Branch establishment is registered under the Contract Labour

Act (Regulation and Abolition) at 1997 and did not maintain any Record or Register as provided under the Act. This clearly shows that the concerned workman is neither a Contractor nor a Contract Labour. That the letter No. BM/23 dated 29th April, 1992 is not and cannot be treated as valid contract.

(iii) That since the date of his appointment as the Generator Operator-cum-Plant Attendant from 1st May, 1992 no other person but this workman has performed these duties. That this post/work cannot be said to be a job of Casual or Temporary nature in view of definition given in paragraph 508(c) of the Shastri Award and as retained in paragraph 21.20 of Desai Award.

(iv) That from the above definition of temporary employee it is quite clear that the work and job of the concerned workman at Darbhanga Branch is neither casual nor temporary. It is clearly a permanent post in nature. That to appoint a daily rated workman to work on a permanent labour practice on the part of the management, the sole object of which is to deprive the concerned workman of the status and privilege of a permanent employee of subordinate cadre.

(v) It is further stated that on 21st May, 2001 this Sponsoring Union made a written demand for immediate regularisation of the services of Sri Jha w.e.f. 1st February, 1993 i.e. on completion of 9 month service as per rule and to pay him Bank Subordinate Staff Wage Scale and other allowances with retrospective effect. That when the management did nothing to regularise the services of the concerned workman, the Sponsoring Union raised an Industrial Dispute before the Assistant Labour Commissioner (Central), Patna in February, 2002. The Assistant Labour Commissioner (Central) started Conciliation but it failed due to the rigid stand of the management. The failure of Conciliation Report was submitted by the A.L.C. (C) concerned on 11th December, 2002 as a result of which this reference was made.

- (vi) That the workman Mr. Jha is entitled to the following reliefs :
- Regularisation of service as a permanent subordinate Cadre Employee of State Bank of India with the Subordinate Cadre Wage Scale and allowances with retrospective effect.
 - Annual increments in subordinate staff wage scale on 1st May, 1993 and thereafter every year.
 - Grant of all such facilities of permanent employment, e.g. Contributory Provident Fund, Gratuity, Seniority, Leave encashment, uniform etc. which a permanent confirmed employee is entitled to with retrospective effect.
 - Cumulative interest on arrears of wages at 6% per annum.

In view of the above it has been prayed that the workman may be allowed the aforesaid reliefs and the reference may be Awarded accordingly.

4. The case of the management, as it appears from their Written Statement, is as follows :

- That the dispute does not fall within the meaning of Sec. 2K of the Act because the workman Vinod Kumar Jha is not a member of the State Bank of India Employees' Union (Bihar State) by which the case of the workman has been espoused.
- That there is no sanctioned post of Generator Operator at Darbhanga Branch of S.B.I. and, therefore, claim of regularisation of service of Vinod Kumar Jha as Generator Operator is not maintainable. That the post of the Generator Operator cannot be sanctioned because the generation of Electricity through Generator is not a work of regular nature. It is an irregular and casual nature of work to be performed by a contractor as and when the need arises.
- It is further stated that the Workman Vinod Kumar Jha had agreed to operate the Generator installed at Darbhanga Branch as a Contractor as and when occasion arose. A Contractor cannot claim to be regularised as an employee of the Bank. That neither the Shastri Award, Desai Award or Bipartite Settlement provides that if a person does or completes casual nature of works in the Bank on contract basis he shall be treated as the Bank's casual/temporary/permanent employee. Even if it is assumed that there was a sanctioned vacancy of Generator Operator at Darbhanga Branch Vinod Kumar Jha would not have been a Contractor and even if he would have possessed necessary qualifications therefore his regularisation could not be done as this would amount to back door entry and without following the settled rules regarding appointment. This is the settled law laid down by the Hon'ble Supreme Court and High Court that regularisation of service cannot be claimed as a matter of right.
- It is the further case of the management that no interview for the post of Generator Operator was ever taken of Vinod Kumar Jha, workman and, therefore, his claim that he was appointed as Generator Operator is absolutely false. In fact Vinod Kumar Jha had agreed to operate the Generator as a Contractor as and when required. That there is no sanction of the Post of Electric Generator Operator-cum-Captive Power Plant Attendant at Darbhanga Branch. That the letter No. BM/23 dated 29-4-1992 reads thus,—"The operation also includes daily lifting of water to over Head Tank". The term of contract was to lift water to the Over Head Tank by Generator case of non-supply of electricity. It is wrong to say that water was lifted by Sri Jha to the over Head Tank for consumption by the members of staff. This is a matter of common sense.
- It is further case of the management that as Vinod Kumar Jha was a contractor and not an employee of the Bank, he could not be allowed to mark his

attendance in the Attendance Register meant for the staff of the Branch.

- (vi) That on all these grounds the workman is not entitled to get any relief as claimed by him. Therefore, it has been prayed that the Award may be made accordingly.

5. On the basis of the written statement filed on behalf of the parties it would appear that the workman's case is that he has worked in State Bank of India, Darbhanga Branch as Operator of the Generator-cum-Captive Power Plant Attendant for above 10 years. That he possess all requirement, for this work. That, therefore, he is entitled for his services to be regularised in the S.B.I. service regular cadre. On the other hand the case of the Bank is that there is no sanctioned post of Generator Operator at Darbhanga Branch of S.B.I. and therefore his claim of regularisation of service as Generator Operator is not maintainable. That the post of Generator Operator cannot be sanctioned because the Generation of Electricity through Generator is not a work of regular nature. That the workman was a contractor and his appointment was on purely temporary basis for operating the Bank's owned Electric Generator Set.

6. On the basis of this dispute between the parties this reference has been made by the Govt. of India, Ministry of Labour for adjudication on the following point :

"Whether the action of the management of State Bank of India, Darbhanga in not regularising the services of Sri Vinod Kumar Jha, Generator Operator is legal and justified? If not, what relief is he entitled to?"

7. It would thus appear that the main point for consideration by this Tribunal is whether the workman is fit to be regularised in the service of the State Bank of India and whether he fulfils all the requirements for being absorbed in the service of State Bank of India.

8. In support of its case the management has examined only one witness. The management has also filed documents Exts. M to M/11 in support of its case.

9. The workman has examined four witnesses on his behalf. He has produced 10 documents Exts. W to W/9.

10. There is no dispute between the parties that Vinod Kumar Jha has been working as Generator Operator in the State Bank of India, Darbhanga Branch since 1st May, 1992 a monthly remuneration of Rs. 1200. It is admitted that the Bank Management appointed the workman through its letter No. BM/23 dated 29th April, 1992 (Ext. M) as Operator of the Bank's own Diesel Generating Set from 1st May, 1992.

11. It has been stated on behalf of the Bank Management that there is no relationship of employer and employee between the Bank and the workman because workman is not a permanent employee and is not a subscriber to the Union. In this regard we may refer to the evidence of workman's witnesses. Md. Mazahar Husain, W.W1 is a Special Assistant in the Darbhanga Branch of S.B.I. He has stated that he was the Unit Secretary of the Union at the Main Branch of S.B.I, Darbhanga. The concerned workman had made a prayer to him for deducting subscription for union from his pay every month. That as

per his request Rs.5 was deducted from his salary and remaining Rs. 1195 was deposited in his Account. That after institution of this case [Reference Case No. 24(C) of 2003] this practice was stopped and the workman started sending his subscription by draft. In support of his statement a photo copy of authorisation for deduction of Union's subscription from the monthly salary and allowance has been filed on behalf of the workman, which is Ext. W/3, which bears the signature of workman Vinod Kumar Jha. In this regard Ext. M/5 can be looked into which gives a guideline for extending the facility of check-off for deduction of Union Membership Fee at the time of disbursement of salary. This fact is also established by Ext. M/7, which is computerised statement for 1-1-99 to 4-5-99. From all these it is clear that the workman was a member of the State Bank of India Employee's Union (Bihar State).

12 It has been contended on behalf of the management that the workman is not an employee and hence his case can not be taken up by the union. In this regard it may be stated here that Sec. 36 (1) (C) of the Industrial Disputes Act, 1947 provides that workman who is a party to a dispute shall be entitled to be represented in any proceeding under this Act by, where the worker is not a member of any Trade Union, by any member of the executive or other office bearer of any Trade Union connected with, or by any other workman employed in, the Industry in which the worker is employed and authorised in such manner as may be prescribed. Thus it is clear that even if the worker is not a member of union he may be represented by any member of the executive or other office bearer of the Union to which he is connected with. On the basis of this provision and of the Act and other facts discussed above it is clear that the workman is a member of the Union and there is no flaw in his being represented by the Union.

13. It has been further argued on behalf of the management that as the worker is not a member of the S.B.I. Employees' Union this dispute cannot be treated as an Industrial Dispute within the meaning of Sec. 2K of I.D. Act. We have discussed above that the workman is a member of the Union and has been paying the monthly subscription to his Union. Therefore, the workman is clearly a member of the Union and this dispute referred by the Central Govt. falls under the definition of Industrial Dispute.

14 It has been stated on behalf of the Bank management that the workman Vinod Kumar Jha was a contractor and not an employee of the Bank. It may be stated here that a Contractor can be said to be one who enters into an agreement for getting a work done. On the other hand, a worker offers himself to do the work or complete the work. Now in the light of evidence of the record we propose to examine whether the workman was a contractor or a worker.

15. In this regard we may refer to the contents of the appointment letter of the workman Ext. M. It reads as follows :

"We have decided to operate our own Diesel Generating Set from 1st May, 1992 and to engage you on purely temporary basis as an operator under the following terms and conditions".

From above extract it is clear that the Bank employed the workman to operate its own Diesel Generating Set and engaged the worker on a purely temporary basis as an operator for its Generator. We may state here that usually contractor who undertakes to supply Electricity to others uses and holds his own Generator Set. The Generator Set is not supplied by the persons who consume electricity. It is clear from the above extract that the workman was appointed as an Operator and not as a Contractor.

16. It was contended on behalf of the workman that the management can not employ a contractor or a Contract Labour as Darbhanga Branch of the management is not registered under the Contract Labour (Regulation and Abolition) Act, 1970. This fact has not been controverted by the management. In this view of the matter also it is clear that the workman is a worker and not a contractor. In the light of foregoing discussion it is clear that the workman was an employee of Bank engaged by it for operating its Generator Set and not a Contractor.

17. Now we would refer to oral evidence regarding the purpose for which the workman was appointed. M.W. 1 in para 2 has stated that in Darbhanga Branch of S.B.I. Generator was purchased in the year 1991 and Operator was appointed for operating it in April, 1992. The expenses of fuel and maintenance was borne by the Bank. He has stated in para 4 that only employees of the Bank get advance from Bank's Suspense Accounts. That this worker Vinod Kumar Jha was given advance from the Bank's Suspense Accounts several times. That he was also sanctioned Motor-Cycle Advance by the Bank W.W. 2 has stated that he was posted at Darbhanga Branch of S.B.I. from 4-3-71 to 31-3-2001. Looking to Ext. M/1 he has stated that it was the Account of Vinod Kumar Jha, which was not staff Account. Staff Account of only permanent staff is opened. That as per direction of the Bank Manager he supervised the work of this workman. In Addition to operating the Generator he also used to lift water on over Head Water Tank. W.W. 3 has stated that this workman was interviewed for the post of Generator Operator in the year 1992. That the worker's name was recommended for his appointment by the Branch Manager W.W. 4 is the workman himself, who has supported his own case. From their evidence it is clear that the workman was appointed by the Bank Management for operating the Generator Set owned by the Bank.

18. M.W.1 is the A.G.M. of S.B.I. Darbhanga Branch. He has stated that there was no post of Generator Operator in his Branch. He has further stated that this workman worked in the Branch as Generator Operator. That his services were on contract basis. He has admitted, however, that the Bank bore the expenses of Diesel, Mobil and Repair of the Generator. He has stated in his cross-examination that the Generator belonged to the Bank. From his evidence it is clear that workman was employed by the Bank for operating its Generator Set. He has tried to give hue of contract Labour to the worker, but it can be safely concluded that he has not succeeded in his effort.

19. It has been contended on behalf of the management that there is no post of Generator Operator in

the Bank and hence the workman can not claim regularisation of the service in the Bank. In reply to that it was submitted by the Learned D.R. for the workman that in appointment letter Ext.M it is written that though the workman's appointment is on month to month temporary basis for three months, a permanent arrangement was to be made within three months of his appointment w.e.f. 1st May, 1992. From this it can be inferred that the temporary status of the concerned workman was to be converted into permanent status within a period of three months from the date of his appointment provided he was found suitable for the job within the said three months. It was further submitted by the learned D.R. that the concerned workman has worked as a Operator of the bank's Electric Generator Set uninterruptedly for past twelve years. It goes to show that the post or work of Operator is of permanent nature. That throughout his work has been found to be satisfactory and suitable and no complaint has ever surfaced against him.

20. It was submitted on behalf of the management that the workman can not seek the status of a Bank employee as he has been appointed against a post which is not permanent in nature. The learned D.R. submitted that this argument advanced on behalf of the management is not tenable. That the post of the workman who has been working as Generator Operator since 1st May, 1992 can not be termed as temporary. That as defined in para 508(c) of the Shastri Award and retained in para 21.20 of Desai Award, "Temporary Employees means an employee who has been appointed for a limited period for work which is of an essentially temporary nature, or who is employed temporarily as an additional employee in connection with a temporary increase in work of a permanent nature, and includes an employee other than a permanent employee who is appointed in a temporary vacancy of a permanent workman". That from this definition of temporary employee it is clear that the workman does not fall under the category of a temporary employee because the work of a Generator Operator is not temporary in nature, rather it is permanent in nature.

21. It is clear from both oral and documentary evidence that the concerned workman has been working in the S.B.I. Darbhanga Branch since 1st May, 1992. It is, therefore, clear that the workman has worked for more than 12 years in the Bank. The learned D.R. submitted that in view of the workman having rendered his service uninterruptedly in the Bank for 12 years, he has assumed the status of a permanent staff. He submitted that there are several ruling of the Hon'ble Supreme Court and the Hon'ble High Court in this regard. It has been held in a Ruling Reported in 1995-PLJR Vol. I page 303 (Superintending Engineer, Rastriya Uch Path Anchal, Muzaffarpur Vs. P.W.D. Worker's Union that whether the appointment is regular or irregular, those who work for years together are to be regularise. He referred to another Ruling Reported in 1994-I-PLJR-Page-337 wherein it has been held by the Hon'ble Patna High Court that persons having served for 240 days or more in a year must be regularised. In another Ruling Reported in 2000-LLR-182(1999), 2.LLJ-1363-Gujrat (GSRTC Vs. Workmen of State Transport

Corporation) it has been held, "Denial of permanency despite existence of permanent work is unfair labour practice and also denial of right to life and livelihood with dignity. Continuance of such workman for years with a view to depriving such workmen permanent status is unfair labour practice. Without referring to a catena of rulings on this point it can be said on the basis of the reported rulings that an employee or workman who has worked for a number of years must be regularised and made permanent.

22. Extending his argument the learned D.R. submitted that the management has not cited any evidence to show that the concerned workman did not work for more than 240 days in a year. We have discussed above that the workman has rendered service for last 12 years in the Bank. Therefore, it can be safely concluded, that workman has become permanent staff and this status must be given to him by the Bank.

23. It was submitted by the learned representative for the management that even if it be assumed that there existed a sanctioned vacancy of a Generator Operator at Darbhanga Branch, he can not be regularised legally as the workman did not possess the requisite qualification for the post, and it would amount to back door entry without giving opportunity to other eligible interested candidates and without following Rules for appointment of a person in Bank service. In reply to this it was submitted by the learned D.R. that it has been established that the workman also discharged the duties of an electrician. In the Saving Bank Account Opening Form of the concerned workman (Ext. M/1) on reverse page of this Ext. word "Electrician is written." On this page the Branch Manager has ordered for opening of the account. This clearly shows that the workman was an Electrician. This fact is also proved from Ext. M/7, which is Saving Bank A/C. Ledger Folio of the concerned workman. He further submitted that in addition to working as Generator Operator he also lifted water in the over Head Water Tank for storage of drinking water for consumption by members of staff. That the work of Generator Operation is a part and parcel of the duties of an Electrician.

24. The learned D.R. further submitted that the Rules regarding appointment of subordinate cadre staff has been given in page 457 to 460 of the Banking Services Recruitment Rules. It is marked Ext. M/6. It has been stated regarding eligibility for subordinate cadre appointee that the candidate should be a non-matriculate but must have passed eighth class. His age is to be within 18 to 26 years at the time of appointment. No specific eligibility criteria for a Generator Operator or Pump Attendant has been laid down. Pump Attendant is a post on which Special Allowance besides Scale Wage is given. That from the evidence of W.Ws. it is clear that at the time of appointment the workman was aged about 24 1/2 years. He had passed Class VIII. This is clear from Ext. W/9 which is School Leaving Certificate. His date of birth is 30th December, 1967. This fact has not been controverted by the management. It was argued by the learned D.R. that from all these facts it is clear that the workman had the eligibility to be appointed against this post. From the consideration of all these facts and evidence on the record we are of the

opinion that the workman fulfilled all the criteria for being appointed as Generator Operator in the category of subordinate cadre of the Bank.

25. From the above discussion it is clear that in spite of the fact that the workman has worked in the Bank for more than 12 years, he is not being regularised in the service of the Bank. We are of the opinion that this is nothing but exploitation of the worker by the Bank. We would not better than quote an extract from the Ruling of the Hon'ble Supreme Court reported in Jacob M. Puthaparamil J's. Kerala Water Authority (1991-II-LLJ-Page-65). It has been held in this ruling, "India is a developing Country. It has a vast surplus Labour market. Large scale unemployment officers a matching opportunity to the employer to exploit the needy. Under such market conditions the employer can dictate his terms of employment taking advantage of the absence of the bargaining power in the other. The unorganized jobseeker is left with no option but to accept employment on take-it or-leaves-it terms offered by the employer. Employers have betrayed an increasing tendency to employ temporary hands even on regular or permanent jobs with a view to circumventing the protection offered to the working classes under the benevolent legislations enacted from time to time."

26. From the facts of this case it is clear that though the workman has worked for 12 years in the Bank uninterruptedly, he is still working on a paltry sum of Rs. 1200 per month. He has not been absorbed in the Bank service till now. This is clear case of exploitation of the workman by the Bank management.

27. In the light of aforesaid discussion of the materials on the record we are of the opinion that the action of the management of State Bank of India, Darbhanga in not regularising the services of Sri Vinod Kumar Jha, Generator Operator is not legal and justified. Keeping in view the entire facts and circumstances of this case we are of the opinion that the workman is entitled to be regularised as a permanent subordinate cadre employee of the State Bank of India with the subordinate cadre Wage Scale and Allowances w.e.f. 1st May, 1993 and thereafter every year. He is also entitled to all the ancillary benefits attached to his post from the date of his appointment i.e. 1st May, 1992. His prayer for cumulative interest on arrears of wages 6% per annum is, however, not allowed. In view of this finding the Bank management of S.B.I. is ordered to regularise the services of Sri Vinod Kumar Jha, Generator Operator as a permanent subordinate cadre employees of the S.B.I. with the subordinate cadre wages scale and allowance w.e.f. 1st May, 1993 and thereafter every year. The Bank management is also ordered to provide all the ancillary benefit attached to his post from the date of his appointment i.e. 1st May, 1992. This order must be implemented within a period of one month from the date of publication of the Award.

28. Award accordingly.

Dictated & corrected by me.

OM PRAKASH SINHA, Presiding Officer

नई दिल्ली, 6 जनवरी, 2006

का. आ. 373.— औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार नार्दन रेलवे के प्रबंधन के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, लखनऊ के पंचाट (संदर्भ संख्या आईडी-36/2005) को प्रकाशित करती है, जो केन्द्रीय सरकार को 6-1-2006 को प्राप्त हुआ था।

[सं० एल-41012/95/2004-आई आर (बी-1)]
अजय कुमार, डैस्क अधिकारी

New Delhi, the 6th January, 2006

S.O. 373.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (No. ID-36/2005) of the Central Government Industrial Tribunal/Labour Court, Lucknow now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Northern Railway and their workman, which was received by the Central Government on 6-1-2006.

[No. L-41012/95/2004-IR(B-I)]

AJAY KUMAR, Desk Officer.

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, LUCKNOW

PRESENT : Shrikant Shukla

L.D. No. 36/05 Ref. No. L-41012/95/2004-IR(B-I)
Dtd. 24-8-2005

BETWEEN

The Divisional Secretary,
North Railway Karamchari Union,
39-11 J, Multistory Colony,
Charbagh, Lucknow

AND

Divisional Personnel Officer
Northern Railway, Hazratganj,
Lucknow

The Sr. Divisional Electrical Engineer
Northern Railway, Hazratganj,
Lucknow

AWARD

The Government, of India, Ministry of Labour, New Delhi referred the following dispute No. L-41012/95/2004-

IR(B-I) dated 24-08-2005 to Presiding Officer, CGIT-cum-Labour Court, Lucknow for adjudication;

“क्या उत्तर रेलवे द्वारा कर्मकार श्री कौशल किशोर को वेतनमान रु. 2650-4000 में पदोन्नति उसी तिथि से नहीं दिया जाना जिस तिथि से उससे कनिष्ठ कर्मकार श्री जगजीवन को दिया गया है उचित तथा न्यायसंगत है? यदि नहीं तो कर्मकार किस अनुतोष को पाने का अधिकारी है?”

The copy of the order of reference was endorsed to the Divisional Secretary, North Railway Karamchari Union, Sr. Divisional Electrical Engineer, Northern Railway, Lucknow and Divisional Personnel Officer, Northern Railway Lucknow.

The order of reference was received in CGIT-cum-Labour Court, Lucknow on 14-9-05 and the same was registered on 26-9-05. The court waited for the statement of claim from the trade union upto 23-10-05. When the trade union failed to file the statement of claim as ordered in the reference by the Government of India registered notice was ordered to be issued to the Secretary Kedamen asking him to file the statement of claim together with documents and list of witnesses by 18-11-05. The registered article returned unserved with the remark that the addresses does not reside on the address given in the registered article. It is noteworthy that the correct address was mentioned in the registered article.

On 18-11-05 Sri D.P. Awasthi, Divisional Secretary of the trade union appeared and moved an application for adjournment. The same was allowed and 23-12-05 was fixed for filing of statement of claim.

Today i.e. 23-12-05 Sri D.P. Awasthi appeared and stated that the grievances of the worker Sri Kauskal Kishore have been met and therefore he does not want to pursue the case for adjudication.

In the circumstances aforementioned there is no other alternative than to pass no claim award. Award pass accordingly.

Lucknow : 23-12-2005

SHRIKANT SHUKLA, Presiding Officer

नई दिल्ली, 9 जनवरी, 2006

का. आ. 374.— औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार जे.एण्ड के. बैंक लि. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय सं. 1, चंडीगढ़ के पंचाट (संदर्भ संख्या आईडी-221/98) को प्रकाशित करती है, जो केन्द्रीय सरकार को 9-1-2006 को प्राप्त हुआ था।

[सं० एल-12012/82/98-आई आर (बी-1)]
अजय कुमार, डैस्क अधिकारी

New Delhi, the 9th January, 2006

S.O. 374—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (ID-221/98) of the Central Government Industrial Tribunal/Labour Court No. 1, Chandigarh now as shown in the Annexure in the Industrial Dispute between employers in relation to the management of J&K Bank Ltd. and their workman, which was received by the Central Government on 9-1-2006.

[No. L- 12012/82/98-IR (B-1)]

AJAY KUMAR, Desk Officer

ANNEXURE

BEFORE SHRI RAJESH KUMAR, PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-1, CHANDIGARH.

Case No. I.D. 221/98

Shri Tilak Raj
S/o Shri Gian Chand,
R/o Mohalla Panditattan Paloura,
Jammu (J&K)

... Applicant

Versus

1. The Deputy General Manager,
Jammu & Kashmir Bank Ltd.,
I. & V. Deptt.,
B.C. Road, Jammu-192101.
2. The Chairman,
Jammu & Kashmir Bank Ltd.,
Zam-Zam Building, Ram Bagh,
Srinagar (J&K)-190 001

... Respondent

APPEARANCES:

For the Workman : Sh. D.R. Sharma
For the Management : Shri Ashok Jagga

AWARD

Passed on 26-12-2005

Central Govt. vide notification No. L-12012/82/98/IR(B-I) dated 30-10-1998 has referred the following dispute to this Tribunal for adjudication :

“Whether the action of the Management of J&K Bank Ltd.. Represented through its Chairman and Dy. General Manager, I & V Jammu in terminating the services of Sh. Tilak Raj S/o Shri Gian Chand, Asstt. Cashier w.e.f. 24-7-1997 is justified? If not, to what relief the workman is entitled to?”

2. As per claim statement the case of the workman is that he was initially appointed as peon with the bank and later on was promoted as Assistant Cashier in the year 1992. His work was satisfactory and on 24-7-1997 by invoking clause 522(1) of the Sastry Award, management terminated his services without holding any enquiry or

issuance of any chargesheet. Assuming though not admitting that there is such a provisions in existence, the same is ultra-vires of the constitution as it violate the fundamental rights of the workman. As his services were terminated without following the principle of natural justice, it violates his fundamental right. Clause 522(1) of the Sastry Award itself ultra-vires of the constitution. The management was under obligation to reveal to the workman as to how he has acted against the interest of the bank. These were required to be conveyed to the workman so that he could exercise his right to reply that he was not acted against the interests of the bank. Workman on 3-9-97 filed a representation before the management to recall and revoke the said termination order but all in vain.

3. In written statement filed by the bank, the bank has taken a objection that workman has not come to the court clean hands. The precise facts leading to the action against the workman are that he misutilised the bank leaves of FDR book, fabricated and forged FDRs including some of which related to his father and other relatives and collected the money. When the said FDRs were produced before the Town Hall Branch of the bank, this forgery and fabrication came to the notice of the bank. Necessary averments with regard to the payment of the consideration too came from none other than the father of the workman. Seeing the gravity of the matter and the fabrication of documents and mis-appropriation of the money entrusted to him by the said persons for depositing the same in the bank for obtaining genuine FDRs, the matter was reported to the police which investigated the offence and found it appropriate to register the requisite FIR u/s 381, 467 and 471 of Randhir Penal Code at Jammu. The said matter was put to Court in Jammu. Learned counsel for the management submitted that sequence of events as put forth unmistakably pointed out towards the only unmistakable conclusion that there was a complete lack of trust and credibility in respect of the workman. Thus the management opted to discharge the services of the workman in best interest of the public at large. It is submitted that para 522(1) of the Sastry Award empowers the employer bank to terminate the services of the employees in a case not involving disciplinary proceedings by giving him three months notice or three months pay and allowance in lieu of notice. The workman ceased to be an employee of the bank w.e.f. 24-7-97 and the management has invoked the said provisions against the petition in following grounds.

- (i) On 20-6-1997 Sh. Gian Chand, the father of the petitioner came to our branch office, Town Hall, Jammu with a Term Deposit Receipt FDR bearing No. 200471 dated 9-6-1996 for Rs. 33,842/ favouring Ms. Kirna Devi (sister of the petitioner) bearing 9-6-1996 as the date of maturity, and purporting to have been issued by branch office, Town Hall, Jammu. The man presented the FDR for ascertaining if his son had really deposited the said amount, in other words, he wanted to confirm the genuineness of the instrument thereby showing his presumptions about the honesty of his son.

The official concerned in the branch found that the instrument has not been issued by them as there is no entry thereof in the FDR Ledger.

- (ii) The said FDR No. 20071 was seized by the branch officials, and the matter was reported to higher authority. During a departmental probe it was found that stationery department issued on 5-11-93 seven FDR books of 100 leaves each, bearing serial No. 200101 to 200800 to branch office Tutan-Di-Khoi of these seven FDR books the said branch sent four books from Serial No. 200101 to 200500 to its Collection Centre, Sidhra (where the petitioner was posted). Thus the above mentioned FDR No. 200471 belonged to Collection Centre, Sidhra and could not be issued by branch office, Town Hall, Jammu.
- (iii) Stationery Stock Register of Collection Centre, Sidhra reveals that the first FDR book bearing serial No. 200101 to 200200 has been issued for use as CDR's by the Collection Centre, Manager (Mr. Duleep Nanda) on 6-11-1993 and the balance of FDR books is recorded as 3. The first CDR No. 200101 is put into use on 1-12-93. All other three FDR books are recorded as issued by the petitioner himself on 1-03-1994 and 1-6-1995 serially. All these three Books are issued when all the 100 FDR of the serially preceding book are yet to be exhausted. The issue of the second FDR book (on 1-03-1994) is authenticated by the Manager on 17-10-1994 i.e. when the first FDR therefrom (viz No. 200201, is actually used. The fourth book is issued by the petitioner (and the balance Nil recorded in stationery stock register) on 1-6-1995 when only the first FDR from the third book (viz. FDR No. 200301) is actually used. This done by the petitioner deliberately with the intention of stealing because he knew that the Manager was under transfer, before being relieved he would like to have the records of the centre updated as quickly as possible. Thus, the petitioner betrayed the trust of his own superior and take away the FDR book bearing serial No. 200401 to 200500.
- (iv) On the fateful dated of 20-6-1997 when the petitioner's own father lifts the veil from his face, the Branch Manager of Town Hall branch lodges an F.I.R. with the Police. On the same date the petitioner confesses before the said Branch Manager telephonically from his then place of posting at branch office, Azadpur, Delhi that he had stolen the FDR book bearing serial No. 200401 to 200500 from Collection Centre, Sidhra and had issued a few fake FDRs in favour of his family members without receipt of money and that the remaining leaves of the book are lying in his house at Paloura, Jammu.
- (v) On 24-6-1997 S.H.O. Police Station, Nagrota informed the bank that he had recovered two

more used (fake) FDRs (FDR No. 200432 for Rs. 6,000 dated 9-10-95 favouring Pooja, minor daughter of the petitioner, and FDR No. 200443 for Rs. 30,000 dated 22-4-97, favouring jointly the petitioner and his wife (Chanchla Kumari) the unused FDR book, and a rubber stamp (with the inscription Town Hall, Jammu) from the house of the petitioner. The Police gave the following details about the 100 leaves of the FDR Book (bearing No. 200401-200500) stolen by the petitioner :—

- (a) FDR No. 200432, 200443 and 200471 issued by the petitioner personally by putting fake writing and signatures and by using the counter-feit seal on the counter folios thereof being intact;
- (b) FDR No. 200459, 200460 and 200467 removed from the book along with their counter folios;
- (c) FDR Nos. 400401, 200431, 200436 and 200437 removed from the books, but counter folios are intact;
- (d) The remaining ninety FDRs and their counter folios are quite intact in the books;
- (vi) Thus the petitioner has not only stolen property of his ex-employer bank, misused part of it, and retained the remaining part of it, certainly for more misuse in future, but has also not desisted from deceiving his own minor daughter, his father, sister and wife. He has not a bit of any right to continue to be employed in any public institution, more so in the respondent's bank in which people keep their hard-earned money just because they trust its integrity. Clause 522(I) is the only appropriate provision under which justice could be and has been done to the petitioner, otherwise the consequences could have been worst like dismissal.

4. The petitioner did not file replication to the written statement and filed his affidavit Ex. EW1 in evidence wherein he further added that his services was terminated vide order dated 24-7-97 passed by the Chairman of the bank management, the management stated to have ordered the termination under clause 522(1) of the Sastry Award is not simpliciter but the reason behind the termination was of alleged gravest misconduct for which an FIR was got registered against the workman before termination of his services. There is no other reason except that he was put to trial in that FIR before the Court and the criminal court acquitted him vide its order dated 12-10-2000 copy of which has been enclosed that in view of the findings of the Hon'ble court, the said decision become final as no appeal whatsoever has been filed by the management or the state and that as he was honorably acquitted by the court and he automatically become entitled for reinstatement with all benefits particularly as no departmental enquiry whatsoever was held.

5. The management also filed affidavit of Uttam Singh Charak, who also supported the averments of the written statement filed by the bank. The workman also filed the judgment of the Criminal Court and also proved the termination order dated 24-7-97.

6. Workman filed written arguments as well as made oral submissions. Learned counsel for the workman Shri D.R. Sharma submitted in arguments that workman was discharged, i.e. his services were terminated under clause 522(1) of the Sastri Award on the basis of criminal case. FIR was lodged and the workman was honorably acquitted from the criminal case. FIR was lodged and the workman was honorably acquitted from the criminal court. No appeal was filed against the acquittal of the workman. No enquiry was conducted. Without giving any opportunity to explain before terminating his services the bank under Clause 522 (1) terminated his service. He also submitted that although there is a provisions and workman is not denying that the management has the powers to discharge or terminate the services of a workman in the interest of the bank by giving three months notice or pay in lieu of notice as envisaged under clause 522(1) but as the workman has been acquitted from the criminal court and there as no appeal filed and the decision of the criminal court become final, therefore, in view of the judgment 1996(1) RSJ page 861 Dr. Vijay Kumar Sharma Vs. Chief Secretary and Secretary to Govt. Punjab, 1995 (2) RSJ 337 Dev Raj Sharma Vs. State of Haryana and 2005(1) SCT Shashi Kumar Vs. Uttri Haryana Bijli Vitran Nigam and another, he submitted that in view of the above law once acquittal has become final and on merits and not on technical grounds then on the the same facts departmental proceedings cannot be initiated. If the acquittal is on the ground other than merits only in that event, it may be permissible for the department to proceed against the official. He submitted that therefore, termination of the workman under clause 522(1) of Sastri Award is void abinitio and the said order may be set aside and workman may be reinstated with all benefits and back wages. He also submitted that reference may be answered in favour of the workman accordingly.

7. On the other hand learned counsel for the management Shri Ashok Jagga submitted in arguments that workman has not disputed the provisions of clause 522(1) of Sastri Award wherein the services of the workman can be terminated if it is in the interest of the bank. In his written arguments as well as in oral submissions he submitted that services of the workman was terminated under the above provisions which were not disputed by the workman and only plea taken in that this provisions is unconstitutional. He submitted that matter arose from an episode in which the father of the workman had reported to the bank Town Hall Branch with a term Deposit receipt FDR No. 200471 dated 9-6-96 for Rs. 33842 favouring Mrs. Kirna Devi sister of the workman on the date of maturity which was purportedly issued by Branch Office, Town Hall Jammu. No entry of the said FDR was found in FDR ledger. The said FDR was seized by the officials and matter was reported to higher authorities. During a departmental probe it was found that FDR were stolen and the alleged FDRs were that of

Sidhra branch where the petitioner was posted. Thus the above mentioned FDR belongs to Sidhra and could not be issued by branch office Town Hall Jammu. He submitted that matter was reported to the police. The petitioner betrayed the trust of his own superior and take away the DFR book. On the fateful date of 20-6-1997 when the petitioner's Town father lifts the veil from his face, Branch Manager of Town Hall Branch lodges an FIR with the police. On the same date the petitioner confesses before the branch manager telephonically from his then place of posting at branch office Azadpur Delhi that he had stolen the FDR book from collection centre Sidhra and had issued a few fake FDRs in favour of his family members without receipt of money and that he remaining leave of the book are lying in his house at Paloura Jammu. Since public money were involved, the bank lodges an FIR with Nagrota Police Station U/S 381, 467 and 471 of Randhir Penal Code. As the episode besides being an offence also constituted an unimaginable act on the part of the workman, the same directly resulted in loss of the confidence of the management in the workman. Under these circumstances the management on the request instead of taking a stringent action by way of departmental enquiry which was likely to lead into the dismissal of the workman resulting into the loss of all further avenues of employment, management discharged the workman Under Para 522(1) of the Sastri Award by fulfilling the requisite formalities. The said provisions is specifically provided in the Shastri Award i.e. Bipartite settlement which has got the force of law is always available to the management which in the best interest of the alleged workman was invoked well within the prerogative of the management. On the other hand the criminal court finally disposed off the chalan on 12-10-2000 by acquitting the accused. However, perusal of the judgment in the opening para itself reveals that there were allegations of theft of FDR book against him and during investigation he made a disclosure statement regarding the FDR book of J&K Bank Sidhra and kept the same in his house at Paloura and at his instances these were recovered. Mohd. Sariff PW1 and Chaman Lal PW2 proved the seizure memo. Uttam Singh Charak PW3 the chief manager of J&K Bank deposed the visit of the workman father and presentation of FDR by him. He also proved the statement made by the workman's father to the effect that from Sidhra Branch he had learnt about the theft of FDR book. However on technical grounds and in view of the established position of law about the standard of proof in a criminal trial being stringent, the prosecution's case was not proved. But the fact remains that till this date not even an iota of evidence has been placed on record as to why all of these people including workman's own father at certain stages deposed against him.

8. The learned counsel for the management further submitted that the workman was discharged on different facts and this Hon'ble Tribunal will further appreciate that management being a custodian of public money could not take a risk of retaining such a tainted and suspicious employees in service of the bank where the highest degree of confidence is always required from the staff. In these

circumstances the action of the bank invoking para 522 was not only legal but also prudent in the circumstances of the case to get rid of the workman with causing minimum damage to him. This action was taken in the interest of the workman so that he can get employment elsewhere. The workman has very strongly relied upon the acquittal by criminal court. The management humbly submits that the acquittal in criminal court is of no assistance to the workman because the management has taken this action under special provision which empowers to discharge without holding an enquiry and the same is not challenged. This case is fully covered in this case there is too much of contact of the workman with public money. The management prudently and legally speaking can never take a chance with the safety of public money. Management also referred to the judgment in the case of Vijaya Bank Vs. Syndicate Bank 2002 (1) ISJ Banking 125 in which it has been clearly observed that even after acquittal by a criminal court the employee could be proceeded against in departmental proceedings. Moreover the workman is banking upon seriously the citation in which the holding of enquiry has been held to be of too much importance but those are the cases where the dismissal or at least the termination was involved, the term dismissal and discharge have been differently used in the IIInd schedule attached to the I.D. Act. Not even a single citation has been mentioned in which the observations regarding the inquiry being a must in case of discharge under clause 522. Thus citations referred are not applicable. Therefore, the action of the management is just and legal and the workman is not entitled to any relief and reference may be answered in favour of the management.

9. In view of the submissions in written arguments and oral by the counsel for the workman Shri D.R. Sharma advocate and for the management Shri Ashok Jagga Advocate and my perusal of the documents and law referred. I am of the considered view that it is not in dispute that workman was acquitted in police case on merits. As per workman he became entitled for reinstatement with all benefits and that further no departmental enquiry can be held nor was held by the management. Further there is no dispute that workman was discharged terminated vide order dated 24-7-97 by the Chairman J&K Bank Ltd. under clause 522(1) of Sastry Award. It is also not disputed even by the workman as also admitted in claim statement in para 3 & 4 that management by invoking the clause 522(1) of the Sastry Award in terminating the service of the workman and that he has challenged the same on the ground that the order referred above though not admitting that there is no such provisions in existence, the same is ultra vires of the constitution as it violates the Fundamental Right of the workman as no enquiry was held against the workman. Workman has also not referred to any law on this point that clause 522(1) is ultravires of the constitution or that while discharging/terminating the workman, the management is bound to give an opportunity to a workman or that proper enquiry should be held before invoking the clause 522(1) of the Sastri Award or enquiry is a must. Undoubtedly the workman was acquitted in a criminal case

filed by the police from charge framed and as per settled law, he is liable to be reinstated on acquittal when it is not on technical ground. The plea of the learned counsel for the management is that as there is a provisions of clause 522(1) in Sastri Award which is also in favour of the workman empowers the management to discharge a rotten wood or to keep the administrative machinery unsullied by getting rid of bad elements. If favour the workman as there is no stigma casted on him and he can get employment elsewhere and thus discharge/termination will not come in his way.

10. Learned counsel for the management has submitted that workman was discharged on different facts and this Hon'ble Tribunal will further appreciate that management being the custodian of public money could not take a risk of retaining such a tainted and suspicious employees in service of the bank where the highest degree of confidence is always required from the staff. This action was taken in the interest of the bank and also of the workman so that he can get employment elsewhere. He also submitted that the petitioner betrayed the trust of his own and took away FDR book and that it is an unimaginable act on the part of the workman and it directly resulted in loss of the confidence of the management in the workman. He also had submitted that the misconduct or the act as referred above was brought into the notice of the bank not by any other but his own father who came to the bank with fake FDR of the bank issued in favour of the workman's wife, sister and daughter. In the circumstances when actually the above fact which made the entire character of the workman unbelievable, untrust worthy and suspicious which was brought into the notice of the bank by the blood relations of the workman i.e. his father. Learned counsel for the management had submitted that thereby invoking of the clause 522(1) of the Sastry Award, against the workman as there is no stigma casted and he can get re-employment and also keeping the interest of the bank safe and services of the workman were terminated not as a punishment but as a safeguard for the bank as well as for the workman and workman has evasively did not touch this part in his pleading or in his arguments at all. He nowhere deny this fact and did not produce any evidence in this regard.

11. The learned advocate for the workman Shri D.R. Sharma has not replied to these contentions. He simply referred to the judgment which undisputedly makes termination on the facts of the criminal case in which the workman was acquitted not on technical grounds but on merits and claimed reinstatement with back benefits.

12. In view of above my discussion now only a short point to decide in this case is left whether the discharge or termination is proper under clause 522(1) of the Sastry Award which is also a good law as it is to be followed by both the parties and if so whether his acquittal in a criminal case quashes the above law and termination/discharge of the workman. Undoubtedly the workman was acquitted on the charges of theft of FDR as per judgement of the criminal court of U/S 381 i.e. theft by an employee.

Whereas the discharge is in bank interest by invoking the power under clause 522(1) which is reproduced below :

“522. We now proceed to the subject of termination of employment. We give the following directions :”

- (1) In clause not involving disciplinary action for misconduct and subject to clause (6) below, the employment of a permanent employee may be terminated by three months' notice or on payment of three months' pay and allowance in lieu of notice. The services of a probationer may be terminated by one month's notice or on payment of a month's pay and allowances in lieu of notice.”

13. Management in this case has terminated services of the workman *vide* order dated 24-7-1997 which is not disputed in the interest of the bank holding that U/S 522(1) of Sastry Award the bank has powers to do so. Contention of the management is also that is a provision which do not cast any stigma on the workman who is entitled for re-employment and as a special provisions management can get rid of workman in which the management loses the confidence as the bank deals with public money and it is in the interest of the bank. The only challenge of the workman in this reference is that the provisions clause 522(1) of the Sastry Award is unconstitutional and ultravires but did not refer to any law that the above provisions was declared unconstitutional or ultravires. Whereas the management advocate Shri Ashok Jagga had submitted that as this provision was never declared unconstitutional and ultravires, hence he could not quote law on this point. I also found that workman failed to show any malafide on the part of the management or the bank has no powers to do so or that order is unjustified. I also reply on H.B. Prabhu Vs. OBC (1992)-II, L.L.J. 568 Delhi D.B.

14. At the same time leaving aside this power of the bank, under clause 522(1), I have found that in service law, in Fundamental Rules, there is provisions FR 56 J. similar and analogous to this provisions wherein a rotten wood or a inefficient or other not in public interest, permanent employee can be compulsorily retired and the department has a right to do so and it does not cast any stigma and do not debar an employee for reemployment. In view of my above discussion, I am of the considered view that workman has not except orally challenging and agitating that provisions of clause 522(1) of Sastry Award as unconstitutional and ultravires but admitted that this provision is there and he was terminated under the above provisions. I am of the considered view that action of the management of J&K Bank Ltd. represented through its Chairman and Deputy General Manager. I&V Jammu in terminating the services of Shri Tilak Raj son of Shri Gian Chand. Asstt. Cashier w.e.f. 24-7-1997 is justified. The management has proved that action as referred above in the reference is just and legal. On the other hand workman has failed to prove that action of the management in terminating the services of the workman as above is unjustified or illegal. Resulting workman is not entitled to any relief. Reference is disposed off accordingly. Central Govt. be informed. File be consigned to record.

RAJESH KUMAR, Presiding Officer

Chandigarh:

नई दिल्ली, 9 जनवरी, 2006

का. आ. 375.— औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सन क्षेत्रीय ग्रामीण बैंक के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, पटना के पंचाट (संदर्भ संख्या 2(सी) ऑफ 2003) को प्रकाशित करती है, जो केन्द्रीय सरकार को 9-1-2006 को प्राप्त हुआ था।

[सं० एल-12012/148/2001-आई.आर. (बी. 1)]

अजय कुमार, डैस्क अधिकारी

New Delhi, the 9th January, 2006

S.O.375.— In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award 2(c) of 2003 of the Central Government Industrial Tribunal Patna now as shown in the Annexure in the Industrial Dispute between employers in relation to the management of Saran Kshetriya Gramin Bank and their workman, which was received by the Central Government on 9-1-2006.

[No. L-12012/148/2001-IR (B-1)]

AJAY KUMAR, Desk Officer

ANNEXURE

BEFORE THE PRESIDING OFFICER, INDUSTRIAL TRIBUNAL, PATNA

Reference Case No. 2(C) of 2003

Management of Saran Kshetriya Gramin Bank, Chapra and Their Workman Sri Shatrughan Prasad Sah, Nandanpur, Gawandari, Chapra.

For the Management : Mr. Rakesh Kumar Tiwary, Advocate

For the Workman : Mr. Shashank Shekhar Jha, Advocate.

Present : Om Prakash Sinha, Presiding Officer, Industrial Tribunal, Patna.

AWARD

Patna, the 29th December, 2005.

By adjudication order No L-12012/148/2001-IR (B-II) dated 11-12-2003 the Government of India, Ministry of Labour, New Delhi has referred, under Clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947 (hereinafter to be referred to as 'the Act'), the following dispute between the Chairman, Saran Kshetriya Gramin Bank, Chapra and their workman Shri Shatrughan Prasad Sah for adjudication to this Tribunal :

“Whether the action of the management of Saran Kshetriya Gramin Bank, Saran in terminating the services of Shri Shatrughan Prasad Sah, Sweepers-Messenger is justified? If not, what relief the workman is entitled?”

2. On receipt of the notice both the parties filed their written statements.

3. The case of management of Saran Kshetriya Gramin Bank as it appears from its written statement is as follows :

- (i) That there is no relationship of Employer and Employee between the management of Saran Kshetriya Gramin Bank and the worker Sri Shatrughan Prasad Sah and therefore there is no Industrial Dispute between the parties. That the worker Shatrughan Pd. Sah was never an employee of the Bank and no a worker of the Bank within the meaning of Section 2(00) of the Industrial Disputes Act (hereinafter referred to as 'the Act'). In view of this the claim of the workman is not maintainable.
- (ii) It is the case of the Bank management that the workman was employed intermittently by the Branch Manager on contractual basis between December, 1981 to November, 1985 on payment of Rs. 2.31 paise to 8.52 paise per day. That thereafter the workman did not offer himself for work in the Bank. This amounts to voluntary abandonment of the Bank's work by the workman. That during the course of his employment in the Bank the workman was not under the Disciplinary Control of the Bank. That the workman never worked for 240 days in a calendar year.
- (iii) It is further case of the Bank management that during the period of his employment in the Bank there was no sanction of vacancy in the Branch and at present also there is no sanctioned vacancy. That the workman was never appointed by the Bank on any post and, therefore, his claim is not maintainable. That the appointment is made according to the Rules of Recruitment laid down by the Bank management in the event of there being a sanctioned vacancy. That in view of the fact that the workman was never appointed by the Bank, there is no question of termination of his service by the Bank.
- (iv) It is specific case of the Bank management, as it appears from the reply filed on its behalf to the written statement filed by the workman on 29-8-2003, that on 26-11-85 Shatrughan Pd. Sah (Worker) had assaulted manhandled and, abused, the then Branch Manager who had enquired from the workman whether he had accepted Rs. 100 as bribe from one Laxminiya Devi as reported by her son to the Branch Manager. The matter was referred to the Chairman and the Chairman appointed two men Committee to enquire into the incident and submit the report by 27-11-85. The Committee enquired into the matter and submitted its report on 28-11-1985 confirming the incident. The

workman was also given full opportunity to present his case before the Committee. That the Chairman on receipt of the enquiry report had ordered to stop taking work from the concerned workman on 29-11-1985 and deputed another daily rated workman to work in the Branch. The Chairman also ordered that if Sri Sah did not refund the money collected illegally from one of the loanes and create further nuisance, a suitable F.I.R. be lodged against him. It has been further stated that after the enquiry and receipt of information that an F.I.R. was going to be lodged, the concerned workman did not report on duty from 29-11-85. Since the workman stopped coming on duty on his own, the Bank did not formally issue any letter of removal/dismissal from service to him.

- (v) That the workman for the first time after the enquiry was held sent a legal notice dated 4-6-1986 to the Chairman of the Bank through his Counsel demanding to appoint him on regular employment of the Bank.
 - (vi) We may state here that thereafter the Bank management has admitted the factum of filing of Title Suite, Execution Case in the Civil Court, Chapra and also filing of Civil Revision before the Hon'ble High Court, Patna.
 - (vii) That the workman has committed serious misconduct since the concerned workman was daily rated casual worker therefore no chargesheet was issued to him but in any case he was aware of his misconduct.
 - (viii) That a casual employee has no legal right for reinstatement or to seek appointment a fresh. Therefore the question of any compensation or damage or notice does not arise.
 - (ix) That in any case an Industrial dispute can not be raised after lapse of 15 years and it is barred by limitation. On this ground it has been prayed that the reference may be answered in the favour of the management of the Bank and claim of the workman be dismissed.
4. The case of the workman, as it appears, from the written statement filed on his behalf, is as follows :
- (i) That the Government of India, Ministry of Labour has rightly referred the dispute to this Tribunal for adjudication as it is a genuine case of Industrial Dispute. That before reference was made a demand dispute was placed before the management of Gramin Bank by the workman himself, but due to negative approach of the bank no settlement could be arrived at through Conciliation Proceedings. It was on the failure of the Conciliation Proceedings that the Government, of India, Ministry of Labour referred this dispute to this Tribunal for adjudication.

- (ii) It is further case of the workman that he was appointed by the Authority of the Bank in the year 1981 on the post of Sweeper-cum-Messenger on the pay scale of Rs. 60 per month. That in the year 1981 a Branch of Saran Kshetriya Gramin Bank was started by the Management of the Gramin Bank and there was clear vacancy for the post of Sweeper-cum-Messenger. That the workman applied for the said post and after being found suitable he was appointed to the post of Sweeper-cum-Messenger by the Authorities of the Bank and the Payment was made to him in this Scale till 22-6-1982. Thereafter from 23-6-1982 he was allowed Rs.3 per day as Wages as per instruction of the Head Office and thereafter he was allowed wages at rate of Rs.5 per day.
- (iii) That all of a sudden he was removed from service on 28-11-1985 without any notice and without any opportunity of hearing being accorded to him. In his place another person was appointed on permanent basis. There was never any complaint of any type against the workman. It is stated that he approached the management of the Gramin bank to allow him to join the post but it was not accepted by the Bank Management.
- (iv) It is further stated that on his request for allowing him to join the post being disallowed by the Bank management he filed a title suit against the termination of his service by the Management at Civil Court Chapra. After hearing his Suit was decreed by 2nd Munsif, Chapra by Judgement and Decree dated 28-6-1994. Thereafter the worker filed Execution case for execution of the said decree but the same was dismissed by the order of the Execution Munsif by the order dated 9-9-1996. Thereafter the workman filed a Civil Revision before the Hon'ble High Court, Patna against the order dated 9-9-1996. The Hon'ble High Court dismissed the Civil Revision.
- (v) That the workman was not served any notice or notice pay in lieu of one month's notice or Compensation at the time of order of termination of his service. That the workman had worked for 240 days continuously in 12 calender months and had worked to the best of his capability and satisfaction of the Bank management.
- (vi) That by not giving one month's notice in writing, or not saying Compensation pay, the Bank management has violated the provisions of Sec.25F of the Act.
- (vii) That no chargesheet or any expalanation was ever asked from the workman during the service period, no enquiry was held against him. In these circumstances it is clear that the retrenchment of the workman is illegal and against the natural justice.
- (viii) On these grounds it has been prayed that considering all these materials the reference may be answered in favoor of the workman.
- (ix) From the written statement of the parties it would appear that the case of Bank management is that there is no relationship of the Employer and Employee between the Bank and the workman and as such there is no Industrial Dispute between the parties. That after November, 1985 the workman did not offer himself for work in the Bank and thus he voluntarily abandoned the service of the Bank. That the workman never worked for 240 days in a calender year. That the workman was never employed in the Bank on any sanctioned post in the Branch. On these grounds it has been stated that the claim of the workman is not maintainable.
- (x) On the other hand the case of the workman is that he was appointed by the Authority of the bank in the year 1981 on the post of Sweeper-cum-Messenger and from time to time his pay was enhanced to Rs.3 per day to Rs.5 per day. That he was removed from his service on 28-11-1985 without any notice or notice pay and compensation.
- (xi) On the basis of this dispute between the parties the Govt. of India, Ministry of Labour referred this dispute for adjudication on the following point :
- "Whether the action of the management of Saran Kshetriya Gramin Bank, Saran in terminating the services of Shri Shatrughan Pd. Sah, Sweeper-cum-Messneger is justified? If not, what relief the workman is entitled to?"
5. Before entering into merit of the cases of the parties we may like to state that on a petition filed on behalf of the management to first decide the fairness of domestic enquiry an order was passed by this Tribunal on 30-7-2004. After hearing both the parties it was held by this Tribunal, "I am accordingly of firm opinion and conclude as such that domestic enquiry held by the management into allegation of assault and abuses by the worker to the Branch Manager is neither fair nor as per principles of natural justice. Any order including punishment to the worker on the basis of above enquiry is thus held not tenable".
6. From the above extract of the order of this Tribunal it is clear that the domestic enquiry held by the management was found to be neither fair nor as per principles of natural justice. Now the main point for consideration by this Tribunal is whether termination of the services of the workman by the Bank Management is justified. If not, to what relief the workman is entitled.
7. It may be stated here that as domestic enquiry held by the Bank management was held to be vitiated by the order of this Tribunal dated 30-7-2004, an order U/s. 11A of the I.D. Act was passed by this Tribunal on

6-12-2004, whereby the Bank management was directed to adduce evidence before this Tribunal on the point of misconduct of the workman. In pursuance of the direction of this tribunal, the Bank management has examined six M.Ws'. Mithlesh Kumar M.W.1 was posted at Saran Kshetriya Gramin Bank Branch at Nandanpur from March, 1984 to June, 1986 on the post of Manager of the Branch. The workman was also posted there. That some days before 26-11-1985 a loan was granted to one Laxminiya Devi for purchase of Buffalo. That on 26-11-1985 his son came with the loan pass-book for up-to-dating it. He entered Rs. 56 as Insurance Money in the pass book. Seeing this the loanee son told that the worker Shatrughan Pd. Sah had taken Rs. 100 towards Insurance Money from him. Speaking about the procedure he has stated that Insurance Money is not received in cash rather it is debited from the Account. That he asked from the worker as to why he had taken Rs. 100 from the loanee on which he became furious and threw slippers on him and also slapped him. He abused him also in very vulgar words. At that time Raghunath Pd. Yadav, clerk-cum-cashier was present in Branch Office who intervened and mediated between them. Stating further he has stated that he reported entire occurrence to the Chairman, Kshetriya Gramin bank in writing. The Chairman deputed a two men Committee to enquire into the matter. On the following day committee came, enquired into the matter and submitted its report. Thereafter, the workman left working in the Bank. That due to this he did not file any F.I.R. before the police. That the workman came to the branch Office and received his arrear money through a voucher. He has proved the voucher which is marked as Ext. M/1. He has further stated that in June, 1986 the workman had sent a legal notice, which is marked Ext.M/9. He has further stated that he had submitted written report before the Enquiry Officer. The workman was working in the Bank on daily wages. He used to come to the Bank on his sweet will. His behaviour was not very good. The Bank had no control over him. That the workman had filed a case in Chapra Civil Court also. In his cross-examination he has stated that before he (M.W.1) joined at the Branch no complaint had been received against the workman. He could not say whether Laxminiya Devi was examined in course of enquiry or not. That the workman worked in the Branch from 1981 to 27-11-1985. That when ever he did not come on duty, work was taken from some body else. He denied the suggestion that when the workman came on work on 28-11-1985 this false allegation was made against him. Deposing further he had stated that no show cause notice was served upon the worker. He was not removed by the Bank. That when he did not turn up Awadhesh Kumar Singh was appointed to work in his place. He denied the suggestion that he had made false allegation against the workman of receiving Rs. 100/- as bribe and assaulting him. He also denied the suggestion that as he had to appoint his own man in the Bank, he levelled false allegation against the workman and got Awadhesh Kumar Singh appointed in his place. That he (workman) voluntarily left the service.

8. Indra Narain Singh, M.W. 2 was the personnel Manager of Head Office of Gramin Bank Chapra. He has

stated that he was entrusted to enquire into an allegation against the worker Shatrughan Pd. Sah. Sri D.K. Sinha was also one of the Enquiry Officer. That in course of enquiry statements of Branch Manager, Clerk-cum-Cashier, the proceedee and other persons was recorded and thereafter they submitted their report to the Chairman of Saran Kshetriya Gramin Bank, Chapra. That the Chairman passed order after looking into their report. In Course of his evidence he produced and proved some circulars regarding appointment of Part-Time Messengers in the Bank. These have been marked as Exts. M/10, M/11 and M/12. During his cross-examination he has stated that only Branch Staff had given evidence in writing. He has stated that Janardan Ram, S/o. Laxminiya Devi had made statement before him but this Janardan Ram has not been examined before this Tribunal.

9. Dilip Kumar Sinha, M.W. 3 is one of the members of the Enquiry Committee constituted by the Chairman. He has stated that in course of enquiry he found that the allegation made by the Branch Manager of Nandanpur Branch was correct. That he along with the other member of Committee enquired into the matter and found the allegation true. That he and the other member Indra Narain Singh put their signatures on the enquiry report. In his cross-examination he has stated that he did not enquire as to why no F.I.R. was lodged regarding the occurrence. He could not say whether statement of Laxminiya Devi was recorded or not in course of enquiry. That statement of her son Janardan Ram was not recorded in course of enquiry. We may state here that this Janardan Ram has not been examined before this Tribunal. He has stated further that the name of Awadhesh Kumar Singh never appeared before him. He denied the suggestion that only in order to appoint that Awadhesh Kumar Singh and to remove this workman, this entire episode has been concocted. Raghunath Pd. Yadav, M.W. 4 is a Clerk-cum-Cashier. On 26-11-85 he was posted at Nandanpur Branch of the Bank. That on that day son of Laxminiya Devi namely Janardan Ram came to the Bank to receive the loan passbook of his mother. When he saw the passbook he enquired as to why Insurance Charge of Rs. 56/- was noted therein. That he had given this amount to the workman. On this he has stated, the Branch Manager asked the workman about this fact. This led to an exchange of hot words between them. The workman threw Bicycle and Slippers on the Branch Manager. That he and others intervened and pacified them. That on the same day the information regarding occurrence was sent to the higher Officers. That on the following day i.e. on 29-11-1985 a two men Committee came to enquire into the matter. The Committee enquired from him and others. In his cross-examination he has stated that he could not say the name of customers who were present at the time of occurrence. He also could not say whether the loanee had told that the workman had received Rs. 100/-. He has further stated that the entire occurrence took place on Verandah of the Bank. He could not say what Laxminiya Devi had stated before the Enquiry Committee.

10. Dinesh Kumar M.W. 5 was entrusted to contact the witnesses of the occurrence and ask them to make their

statements before the enquiry Committee. That one Mithan Sah was dead and one Prabhunath had gone to Nepal. He has very candidly stated that he had no knowledge about the occurrence. Awadhesh Kumar Singh M.W. 6 is the Messenger who was posted at Nandanpur Branch. He has stated that his first posting in the Bank was at Nandanpur Branch. That a vacancy of a peon was reported at Nandanpur Branch of the Bank. He applied for his appointment and was selected on the post. That he was not a villager of the then Branch Manager, Mithlesh Kumar. He denied the suggestion that he was appointed on the post of the workman after removing him. That he did not know any thing about the occurrence. He was appointed on 29-11-1985.

11. Now from the evidence of M.W. 2 and M.W. 3 it is clear that they are members of the enquiry committee. They enquired into the matter, examined the witnesses and found the occurrence true and submitted their report to the Chairman of the Kshetriya Gramin Bank. Mithlesh Kumar M.W. 1 is the Manager who is said to have been assaulted and abused by the workman. He has tried his best to support his case. It was suggested to him that Awadhesh Kumar Singh was his man and in order to appoint him the workman Shatrughan Pd. Sah was removed from service. It may be stated here that this has been the consistent case of the workman that he was removed from service in order to appoint this Awadhesh Kumar Singh in his place. Therefore he can not be said to be an impartial witness. Raghunath Pd. Yadav M.W. 4 has supported the factum of assault on Mithlesh Kumar the Manager by the workman. He has stated that the workman threw Bicycle and slippers on Mithlesh Kumar but Mithlesh Kumar (M.W.1) has stated that the workman slapped him and also threw slippers on him. For the first time throwing Bicycle on the Manager has been introduced by this MW. 4. This arouses doubt about the occurrence. It would thus appear that only M.W. 1 and M.W. 4 are the eye witnesses to the occurrence but there is serious contradiction in their evidence.

12. Awadhesh Kumar Singh, M.W. 6 has stated that he was appointed in the Bank on 29-11-1985. From the facts of the case it is clear that Shatrughan Pd. Sah the workman was removed from service from 28-11-1985. It would thus appear that this workman was appointed in the Bank Service in Nandanpur Branch of the Bank just one day after removal of the workman from service. It is, therefore, clear that the appointment of this Awadhesh Kumar Singh was made in a hot-haste. The Bank Management has not filed appears to show that the appointment of this Awadhesh Kumar Singh was made after following the prescribed Rules of appointment. This, in our opinion, lends support to allegation of the workman that he was removed from the service in order to appoint this Awadhesh Kumar Singh in his place.

13. The next Point that arises for consideration is whether the other allegations of taking bribe of Rs. 100/- by the workman has been proved or not by the Bank management. In such a case the evidence of the loanee Laxminiya Devi and his son Janardan Ram would have been very important. Both of them have not been examined

in this case by the management. there is nothing on the record to show that a bribe was accepted by the workman from the loanee. In our opinion, therefore, the allegation of receiving bribe against the workman has not been brought home.

14. From the forgoing discussion it is clear that the Bank management has failed to prove the charges of misconduct against the workman.

15. The next point that comes for consideration is whether the removal of the workman is legal and proper. It has been claimed by the workman that he was appointed by the Authority of the Gramin Bank in the year 1981 on the post of Sweeper-cum-Messenger and he worked there till 27-11-1985. During this period he received wages at different rates as stated above. That all of a sudden he was removed from service from 28-11-1985 without any notice, without any opportunity of being heard or payment of compensation which is in contravention of Principles of natural justice. The Bank management has maintained that the workman was never appointed by any Authority of the Bank. He was a casual worker and was paid wages on the basis of the work rendered by him. that it is for the workman to prove that he worked for 240 days continuously in 12 calendar months.

16. In this regard I would first refer to oral evidence adduced by the Bank management. M.W.1 Mithlesh Kumar who was the Manager of the Nandanpur Branch of the Bank at the relevant time has stated that the workman was working in the Branch before he joined there. M.W.4 and M.W. 5 have also stated that the workman was working in the Branch in the Bank from before the time of occurrence.

17. Shatrughan Pd. Sah. W.W.1 is the workman himself. He has stated that he was working in Saran Kshetriya Gramin Bank, Nandanpur Branch, Chapra from 16-12-1981 and worked there till 27-11-1985. That he was removed from Bank service from 28-11-1985. He has further stated that on 16-11-1985 he learnt that Awadhesh Kumar Singh could be appointed in his place after removing him. He has also denied all the allegations of accepting bribe and assaulting and abusing the Branch Manager. He has stated that he worked through out in the Bank from his date of appointment i.e. from 16-12-1981 to 27-11-1985. The case of the Bank management is that he was given the work of Sweeper/messenger on part time casual basis. His engagement was on principle of as and when required. The wages were paid to him on weekly basis. The engagement came to end on the conclusion of the day. That this shows that the workman worked on day to day basis and he could not have claimed permanent employment in the Bank.

18. From order sheet dated 18-9-2003 it appears that a list of witnesses and documents alongwith reply was filed on behalf of workman represented by Sri Ashok kumar Sinha, Advocate. These were placed on the record. In course of argument the Learned counsel for the workman submitted that by mistake the Exts. were not marked on behalf of the workman. That these may be looked into by this Tribunal. We are of the opinion that though not marked as Exts. on behalf of the workman, these Exts. can be looked

into and referred to by this Tribunal, because they have not been filed recently or after conclusion of the argument by the parties, rather they were placed on record much earlier. We find photo copies of four attendance sheets of the worker have been filed on his behalf. These attendance sheets are from December, 83 to February, 85. These papers go to show that the workman worked in the Bank during the relevant period. It was submitted on behalf of the workman that the copy of attendance sheets which were available to him have been filed before this Tribunal. The other attendance sheets are in possession of the Bank management and in spite of his best efforts he could get copies thereof. These sheets go to show that the workman has worked for more than 240 days in a calendar year.

19. Sec. 25F of the I.D. Act provides that no workman employed in any industry who has been in continuous service for not less than one year under an employer shall be retrenched by that employer until;

(a) The workman has given one month's notice in writing indicating the reason for the retrenchment and the period for notice has expired, or the workman has been paid in lieu of such notice, wages for the period of the notice.

(b) The workman has been paid, at the time of retrenchment, compensation, which shall be equivalent to 15 days average pay or any part thereof in excess of six months' and

(c) Notice in prescribed manner is served on the appropriate Govt. or such Authority as may be specified by the appropriate Govt. by notification in Official Gazette.

20. It is worth while to mention here that none of these conditions have been fulfilled by the Bank management. M.W.1 has stated in para 11 of the evidence that no show cause notice was served on the workman. Besides that no paper has been filed on behalf of the Bank management to show that these conditions were fulfilled by it. Considering all these facts it becomes crystal clear that conditions precedent to retrenchment of the workman were never complied by the Bank. All these facts indisputably lead to the conclusion that the retrenchment of the workman is not legal and justified.

21. It was submitted on behalf of the learned counsel for the Bank management that this reference was made after lapse of six years and hence this reference is not maintainable. In support of his contention he relied on a Ruling Reported in C.W.J.C. No. 2464 of 1984-Baleshwar Tiwary & Others Vs. Union of India and another. It has been held in this ruling, "It is no doubt that no period of limitation has been provided in the Industrial Disputes Act either for referring the dispute by the appropriate Government in exercise of power U/s. 10 of the I.D. Act, 1947 or for filing an application by the aggrieved workman for making reference, but in view of the law laid down by the Apex Court that the workers who do not raise dispute and take steps for conciliation or for reference of disputes for three years, then the Tribunal would be justified in refusing the relief of reinstatement to avoid dislocation of the industries".

22. The Learned Counsel for the workman, on the other hand submitted that the workman filed a Title Suit, in the Court of Munsif, Chapra against the verbal order of termination on passed by the Branch Manager, seeking declaration that he should be deemed to be in the employment of the Saran Kshetriya Gramin Bank and be allowed to join the post of Sweeper-cum-Messenger. That this Title Suit was decreed in his Favour, on 28-2-1994. That thereafter the workman filed an Execution Case, which was dismissed by the 11nd Munsif, Chapra. Against this order the workman filed Civil Revision before the Hon'ble High Court, Patna which was numbered as 2187 of 1996. That the Hon'ble High Court held that the petitioner was a workman within the meaning of Industrial Disputes Act. The Civil Revision, however, was dismissed by the Hon'ble High Court. Thereafter the workman raised an Industrial Dispute U/s. 2A of the Industrial Disputes Act and the Government of India. Ministry of Labour referred the Industrial Dispute to this Tribunal for adjudication. Extending his argument he submitted that from all these facts it is quite clear that the workman did not sit idle after being dismissed by the Bank Management. He pursued the matter right from the Civil Court up to the Hon'ble High Court. It may be that it was done under a wrong legal advice to file a case in the Civil Court, but for that this workman, who does not understand the intricacies of the law, can hardly be blamed and condemned. From consideration of all these facts it is clear that though the reference was made after lapsed of six years from the time of removal of the workman from service, it is clear that during this period he was pursuing legal action though at a wrong forum.

23. In the light of foregoing discussion we are of the opinion that the action of the management of Saran Kshetriya Gramin Bank Saran in terminating the services of Sri Shatrughan Pd. Sah, Sweeper-cum-Messenger is not justified. From consideration of all these facts, we are of the opinion that he deserves to be reinstated in the service of the Bank from 28-11-1985. He is also entitled to be regularised in subordinate cadre of Bank service from that date. He is also entitled to get all the benefits admissible to his rank and post, from the date of his reinstatement.

24. In view of the aforesaid findings the Bank management is directed to reinstate the workman w.e.f. 28-11-1985 in Bank service and regularise his service in the subordinate staff cadre of the Bank service with entire benefits admissible to his rank and post within a period of one month from the date of publication of the Award.

25. Award accordingly.

Dictated & corrected by me.

OM PRAKASH SINHA, Presiding Officer

श्रम एवं रोजगार मंत्रालय

नई दिल्ली, 19 जनवरी, 2006

का.आ. 376—कर्मचारी राज्य बीमा अधिनियम, 1948 - 8
का 34 की धारा-1 की उप धारा-(3) द्वारा प्रदत्त शक्तियों का प्रयोग
करते हुए, केन्द्रीय सरकार एतद्वारा 01. फरवरी, 2006 को उस तारीख

के रूप में नियत करती है, जिसको उक्त अधिनियम के अध्याय 4 (44 व 45 धारा के सिवाय जो पहले से प्रवृत्त हो चुकी है) अध्याय 5 और 6 (धारा 76 की उप-धारा (1) और धारा 77, 78, 79 और 81 के सिवाय जो पहले ही प्रवृत्त की जा चुकी है) के उपबन्ध पंजाब के निम्नलिखित क्षेत्रों में प्रवृत्त होंगे, अर्थात् :—

क्र. सं.	राजस्व ग्राम का नाम	हदबस्त संख्या	तहसील	जिला
1.	शेखों	211	जालन्धर	जालन्धर
2.	मुबारकपुर	210	जालन्धर	जालन्धर
3.	चक हुसैना	214	जालन्धर	जालन्धर

[संख्या एस-38013/01/2006-एस.एस.-I]

के. सी. जैन, निदेशक

MINISTRY OF LABOUR AND EMPLOYMENT

New Delhi, the 19th January, 2006

S.O. 376—In exercise of the powers conferred by sub-section (3) of Section 1 of the Employees' State Insurance Act, 1948 (34 of 1948) the Central Government hereby appoints the 1st February, 2006 as the date on which the provisions of Chapter IV (except Sections 44 and 45 which have already been brought into force) and Chapter V and VI (Except sub-section (1) of Section 76 and Sections 77, 78, 79 and 81 which have already been brought into force) of the said Act shall come into force in the following areas in the State of Punjab namely :—

Sl. No.	Name of the Revenue Village	Had Bast No.	Tehsil and District
1.	Sheikhon	211	Jalandhar
2.	Mubarakpur	210	Jalandhar
3.	Chak Hussaina	214	Jalandhar

[No. S-38013/01/2006-S. S. I]

K.C. JAIN, Director

नई दिल्ली, 19 जनवरी, 2006

का.आ. 377.—कर्मचारी राज्य बीमा अधिनियम, 1948 (1948 का 34) की धारा 1 की उपधारा (3) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा 01 फरवरी, 2006 को उस तारीख के रूप में नियत करती है, जिसको उक्त अधिनियम के अध्याय 4 (44 व 45 धारा के सिवाय जो पहले से प्रवृत्त हो चुकी है) अध्याय 5 और 6 (धारा 76 की उपधारा (1) और धारा 77, 78, 79 और 81 के सिवाय जो पहले ही प्रवृत्त की जा चुकी है) के उपबन्ध आन्ध्र प्रदेश राज्य के निम्नलिखित क्षेत्रों में प्रवृत्त होंगे, अर्थात् :—

“समय-समय पर जारी पूर्व अधिसूचनाओं द्वारा आन्ध्र प्रदेश के विशाखापट्टनम जिले में जिन क्षेत्रों एवं राजस्व गाँवों को क.रा.बी. अधिनियम के दायरे में लाया जा चुका है उनके अलावा पेडागन्तयादा, गाजूवाका और परावाड़ा राजस्व मंडलों के अन्तर्गत आने वाले सभी क्षेत्र।”

[संख्या एस-38013/02/2006-एस.एस.-I]

के.सी. जैन, निदेशक

New Delhi, the 19th January, 2006

S.O. 377.—In exercise of the powers conferred by sub-section (3) of Section 1 of the Employees' State Insurance Act, 1948 (34 of 1948) the Central Government

hereby appoints the 1st February, 2006 as the date on which the provisions of Chapter IV (except Sections 44 and 45 which have already been brought into force) and Chapter V and VI (Except sub-section (1) of Section 76 and Sections 77, 78, 79 and 81 which have already been brought into force) of the said Act shall come into force in the following areas in the State of Andhra Pradesh namely :—

“All areas falling within the Revenue mandals of Pedagantyada, Gajuwaka and Paravada, Save and except areas and Revenue Villages where ESI Act have been brought into effect by previous notifications issued from time to time in Visakhapatnam District of Andhra Pradesh.”

[No. S-38013/02/2006-S.S.I]

K.C. JAIN, Director

श्रम मंत्रालय

नई दिल्ली, 13 जनवरी, 2006

का.आ. 378.—केन्द्रीय सरकार, लौह अयस्क खान, मैंगनीज अयस्क खान और क्रोम अयस्क खान श्रम कल्याण निधि अधिनियम, 1976 (1976 का 61) की धारा 10 के अनुसरण में उक्त अधिनियम के अधीन वर्ष 2004-2005 के लिए वित्त पोषित क्रियाकलापों का लेखा विवरण और उनकी रिपोर्ट प्रकाशित करती है, जो क्रमशः अनुसूची I और अनुसूची II के अनुसार निम्न प्रकार से है—

अनुसूची-I

वर्ष 2004-2005 के लिए लौह, अयस्क खान, मैंगनीज अयस्क खान और क्रोम अयस्क खान श्रम कल्याण निधि का लेखा विवरण

आय :

तारीख 1 अप्रैल 2004, को आरंभिक अतिशेष	126.11 करोड़
वर्ष 2004-2005 के दौरान अन्तरित उपकर	11.56 करोड़
कुल आय	137.67 करोड़

व्यय :

मुख्य शीर्ष—2230

01.106 लौह अयस्क खान, मैंगनीज अयस्क खान और क्रोम अयस्क खान श्रम कल्याण निधि

01.106.01—प्रशासन

लेखा शीर्ष	एकक	रकम (रुपए हजार में)
01.00.01	वेतन	9346
01.00.02	मजदूरी	94
01.00.03	अतिकालिक भत्ते	14
01.00.11	घरेलू यात्रा व्यय	440
01.00.13	कार्यालय व्यय	1819
01.00.14	किराया, दर और कर	507
01.00.16	प्रकाशन	13
01.00.27	गौण कार्य	35
01.00.28	वृत्तिक सेवाएं	30
01.00.50	अन्य प्रभार	89
योग		1,2387

01.106 लौह अयस्क खान, मैंगनीज अयस्क खान और क्रोम अयस्क खान श्रम कल्याण निधि

01.106.02—स्वास्थ्य

लेखा शीर्ष	एकक	रकम (रुपए हजार में)
02.00.01	वेतन	42488
02.00.02	मजदूरी	219
02.00.03	अतिकालिक भत्ता	5
02.00.11	घरेलू यात्रा व्यय	530
02.00.13	कार्यालय व्यय	2563
02.00.14	किराया, दर और कर	599
02.00.16	प्रकाशन	5
02.00.21	सामग्री और पूर्ति	3387
02.00.26	विज्ञापन और प्रचार	2
02.00.27	गौण कार्य	17
02.00.28	वृत्तिक सेवाएं	—
02.00.31	सहायता अनुदान	5903
02.00.50	अन्य प्रभार	1659
02.00.51	मोटर यान	1277
02.00.52	यंत्र और उपस्कर	120
योग		58734

01.106 लौह अयस्क खान, मैंगनीज अयस्क खान और क्रोम अयस्क खान श्रम कल्याण निधि

01.106.04—शिक्षा

लेखा शीर्ष	एकक	रकम (रुपए हजार में)
04.00.01	वेतन	5042
04.00.02	मजदूरी	3
04.00.11	घरेलू यात्रा व्यय	63
04.00.13	कार्यालय व्यय	124
04.00.14	किराया, दर और कर	16
04.00.21	सामग्री और पूर्ति	47
04.00.31	सहायता अनुदान	8
04.00.34	छात्रवृत्ति और वृत्तिका	14254
04.00.50	अन्य व्यय	2181
कुल		21738

01.106 लौह अयस्क खान, मैंगनीज अयस्क खान और क्रोम अयस्क खान श्रम कल्याण निधि

01.106.05—मनोरंजन

लेखा शीर्ष	एकक	रकम (रुपए हजार में)
05.00.01	वेतन	796
05.00.11	घरेलू यात्रा व्यय	25
05.00.14	किराया, दर और कर	--
05.00.21	सामग्री और पूर्ति	49
05.00.27	गौण कार्य	--
05.00.31	सहायता अनुदान	684
05.00.50	अन्य प्रभार	450
05.00.13	कार्यालय व्यय	20
05.00.51	मोटर यान	100
कुल		2124

01.106 लौह अयस्क खान, मैंगनीज अयस्क खान और क्रोम अयस्क खान श्रम कल्याण निधि

01.106.03—आवास

लेखा शीर्ष	एकक	रकम (रुपए हजार में)
03.01.01	वेतन	624
03.01.11	घरेलू यात्रा व्यय	46
03.02.31	कम लागत के आवास	1330
03.03.31	अपना मकान स्वयं बनाएं योजना	1479
कुल (आवास)		3479
कुल योग		98462
कुल आय		137.67 करोड़
कुल व्यय		9.85 करोड़

तारीख 01-4-2005 को आधारित लौह अयस्क खान, मैंगनीज अयस्क खान और क्रोम अयस्क खान श्रम कल्याण निधि के अधीन आरक्षित निधि 127.82 करोड़

अनुसूची II

वर्ष 2004-2005 के लिए लौह अयस्क खान, मैंगनीज अयस्क खान और क्रोम अयस्क खान श्रम कल्याण निधि के अधीन वित्तपोषित क्रियाकलाप

क्रम सं.	क्रियाकलाप का नाम	इकाई
1	2	3

क. स्वास्थ्य

1. स्थिर-सह-चालित/स्थिर एलोपैथिक और स्थिर आयुर्वेदिक औषधालय 21
2. लौह अयस्क खान, मैंगनीज अयस्क खान और क्रोम अयस्क खान कर्मचारियों के लिए अस्पताल 05

1	2	3
3.	औपचारिक/अस्पतालों में उपचार किए गए रोगियों की संख्या	278348
4.	कैंसर से पीड़ित लौह अयस्क खान, मैंगनीज अयस्क खान और क्रोम अयस्क खान कर्मचारों का उपचार	21
5.	महिला कर्मचारों के लिए प्रसूति प्रसुविधा	1
6.	खान के कर्मचारों के बंधीकरण हेतु आर्थिक प्रतिकर का संदाय	1
	ख. आवास	
7.	अपना मकान स्वयं बनाएं स्कीम, समूह आवास स्कीम, टाइप-I और II आवास स्कीम के अधीन मंजूर किए गए मकानों की संख्या	261
	ग. शिक्षा	
8.	लौह अयस्क खान, मैंगनीज अयस्क खान और क्रोम अयस्क खान के कर्मचारों के विद्यालय जाने वाले बालकों को छात्रवृत्ति और अन्य वित्तीय सहायता प्रदान करना	12108
9.	गणवेश/पाठ्यपुस्तकों की पूर्ति	7454
10.	पुस्तकालयों के लिए अनुदान	3
	घ. मनोरंजन	
11.	लौह अयस्क खान, मैंगनीज अयस्क खान और क्रोम अयस्क खान कर्मचारों के लिए क्रीड़ा, खेल, सामाजिक और सांस्कृतिक क्रियाकलापों का आयोजन	22

[फा. सं. एस-23025/1/2005-डब्ल्यू. II]

मनोहर लाल, महानिदेशक (श्रम कल्याण)/संयुक्त सचिव

MINISTRY OF LABOUR

New Delhi, the 13th January, 2006

S.O. 378.— In pursuance of Section 10 of the Iron Ore Mines, Manganese Ore Mines and Chrome Ore Mines Labour Welfare Fund Act, 1976 (61 of 1976), the Central Government hereby publishes the statement of accounts and the report of the activities financed under the said Act, for the year 2004-2005 as per Schedule-I and Schedule-II, respectively, as under:—

SCHEDULE

STATEMENT OF ACCOUNTS OF IRON ORE MINES, MANGANESE ORE MINES AND CHROME ORE MINES LABOUR WELFARE FUND FOR THE YEAR 2004-2005

INCOME:

Opening Balance as on 01-4-2004	126.11 Crore
Cess Transferred during the year, 2004-2005	11.56 Crore
TOTAL INCOME	137.67 Crore

EXPENDITURE:**Major Head-2230**

01.106. Iron Ore Mine, Manganese Ore Mines and Chrome Ore Mines Labour Welfare Fund

01.106.01.—Administration

Head of Account	Units	Amount (Rs in thousand)
01.00.01	Salaries	9346
01.00.02	Wages	94
01.00.03	Over Time Allowances	14
01.00.11	Domestic Travelling Expenses	440
01.00.13	Office Expenses	1819
01.00.14	Rents Rates and Taxes	507
01.00.16	Publication	13
01.00.27	Minor Work	35
01.00.28	Professional Services	30
01.00.50	Other Charges	89
	Total	12387

01.106. Iron Ore Mines, Manganese Ore Mines and Chrome Ore Mines Labour Welfare Fund

01.106.02-Health

Head of Account	Units	Account (Rs. in thousand)
02.00.01	Salaries	42448
02.00.02	Wages	219
02.00.03	Over Time Allowances	5
02.00.11	Domestic Travelling Expenses	530
02.00.13	Office Expenses	2563
02.00.14	Rents, Rates and Taxes	599
02.00.16	Publication	5
02.00.21	Material and Supply	3387
02.00.26	Advertisement and Publicity	2
02.00.27	Minor Work	17
02.00.28	Professional Services	—
02.00.31	Grants-in aid	5903
02.00.50	Other Charges	1659
02.00.51	Moter Vehicle	1277
02.00.52	Mach. and Equipment	120
	Total	58734

01.106. Iron Ore Mines, Manganese Ore Mines and Chrome Ore Mines Labour Welfare Fund

01.106.04—Education

Head of Account	Units	Account (Rs. in thousand)
04.00.01	Salaries	5042
04.00.02	Wages	3
04.00.11	Domestic Travelling Expenses	63
04.00.13	Office Expenses	124
04.00.14	Rents, Rates and Taxes	16
04.00.21	Material and Supply	47
04.00.31	Grants-in-aid	8
04.00.34	Scholarship and Stipend	14254
04.00.50	Other Charges	2181
Total		21738

01.106. Iron Ore Mines, Manganese Ore Mines and Chrome Ore Mines Labour Welfare Fund

01.106.05—Recreation

Head of Account	Units	Amount (Rs. in thousand)
I	2	3
05.00.01	Salaries	796
05.00.11	Domestic Travelling Expenses	25
05.00.14	Rents Rates and Taxes	—
05.00.21	Material and Supply	49
05.00.27	Minor Work	—
05.00.31	Grants-in-aid	684
05.00.50	Other Charges	450
05.00.13	Office Expenses	20
05.00.51	Motor Vehicle	100
Total		2124

01.106. Iron Ore Mines, Manganese Ore Mines and Chrome Ore Mines Labour Welfare Fund

01.106.03-Housing

Head of Account	Units	Amount (Rs. in thousand)
I	2	3
03.01.01	Salaries	624
03.01.11	Domestic Travelling Expenses	46
03.02.31	Low Cost Housing	1330
03.03.31	Build Your Own House Scheme	1479
Total (Housing)		3479
GRAND TOTAL		98462

Total Income	137.67Crore
Total Expenditure	9.85 Crore
reserve fund under iron ore Mines, Manganese Ore mines and Chrome ore mines labour welfare fund as on 01-4-2005	127.82 Crore

SCHEDULE-II

ACTIVITIES FINANCED UNDER THE IRON ORE MINES, MANGANESE ORE MINES AND CHROME ORE MINES LABOUR WELFARE FUND DURING THE YEAR 2004-2005

S. No.	Name of the Activity	Units
A. HEALTH:		
1.	Static-cum-Mobile/ Static Allopathic and Static Ayurvedic Dispensaries	21
2.	Hospitals for the Iron Ore Mines, Manganese Ore Mines and Chrome Ore Mines Workers	05
3.	Number of patients treated in dispensaries/hospitals	2,78,348
4.	Treatment of Iron Ore Mines, Manganese Ore Mines and Chrome Ore Mines Workers suffering from Cancer.	21
5.	Maternity Benefit Scheme for Female Workers.	1
6.	Payment of Monetary Compensation for sterilization Mines Workers.	1
B. HOUSING :		
8.	Number of houses sanctioned under Build Your Own House Scheme, Group Housing Scheme, Type-I and II Housing Scheme	261
C. EDUCATION :		
7.	Award of Scholarship and other financial assistance to the school going children of Iron Ore Mines, Manganese Ore Mines and Chrome Ore Mines Workers	12,108
8.	Supply of uniform/text books	7454
9.	Grant for Libraries	3
D. RECREATION :		
10.	Organising sports, games, social and cultural activities for Iron Ore Mines, Manganese Ore Mines and Chrome Ore Mines Workers.	22

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Jt. Secy.